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Common Ownership as a Basis for Human Rights: Political Not Metaphysical

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1. Human rights are rights that are invariant with respect to conventions, institutions, culture, or religion.¹ One concern about such rights is the problem of parochialism, the question of whether human rights can plausibly be of global reach and thus justify actions even against societies that do not readily endorse relevant UN documents, or in whose culture those rights are not supported. Plausible responses to this problem also have to explain why the language of rights (rather than, say, goals) is appropriate here, and offer a substantive account of what duties (if any) accompany these rights. This study seeks to meet these challenges by transferring central elements of the approach to domestic justice in Rawls' *Political Liberalism* to the global level. Crucial to my approach is the idea that humanity collectively owns the earth, and that it is implicit in the global political and economic order that individuals are seen as co-owners, in a manner parallel to how it is implicit in a constitutional democracy that individuals are seen as free and equal citizens. Human rights emerge as guarantees for co-owners to make the imposition of the global political and economic order, and its erection on commonly owned territory, acceptable

¹ Many thanks to Arthur Applbaum, Michael Blake, Eric Cavallero, Nicole Hassoun, Rahul Kumar, Matt Smith, and Leif Wenar for helpful discussion, as well as to audiences at the University of Michigan at Ann Arbor, the University of Zürich, the Ludwig-Maximilians University in Munich, and the University of Cambridge, where this material was presented in January 2007. Thanks to Stephen Darwall for suggesting (most of) this title. For a good overview of questions that arise about human rights (most of which utterly contested) see Donnelly (2003); for a historical introduction see Ishay (2004). For texts and materials, see Steiner and Alston (1996). For social science approaches to the study of human rights, see Landman (2006).

to them, in a manner parallel to how principles of domestic justice make a political association of a different sort (the state) acceptable to free and equal citizens.²

Human rights, on this view, are rights individuals hold qua members of the global political and economic order. Thinking about human rights along such lines means thinking of them as distinct both from pre-institutional moral rights and from rights that hold within that association with which we are most familiar, the state. This does not mean the set of such rights cannot be (fully or largely) co-extensional with a set of moral rights that can be justified in some other way (and thus that such rights could not have been held in any sense before the emergence of this particular association), any more than it means that rights so derived cannot also be held within states. Instead, conceptualizing human rights in this way means deriving them from features of an association that has developed over time and is aptly called the global order. Doing so offers ready answers to questions such as the (non-parochial) grounds on which such rights are held, and why humankind has a collective responsibility to realize them. If other accounts offer similar advantages, they will conflict with my approach only if they lead to a different,

² (1) Readers who find inquiries into the original ownership of the earth peculiar should remember that much of early modern political thought was preoccupied with this question, in the context of providing justifications for European expansionism (see Tuck (1999)). A resurrection of that sort of inquiry in connection with some of the more urgent issues of political thought of our time should not be too surprising in light of the importance the sheer space in which we live has for all human purposes. (2) When the Universal Declaration of Human Rights was passed in 1948, it was supposed to stand “upon a firm international basis where no regional philosophy or way of life was permitted to prevail” (Malik (2000), p 120); it was founded on contributions from different approaches that others deemed acceptable. But this attempt to avoid parochialism could not succeed: in 1948 large parts of the world were represented only through colonial masters. We must explain what renders the Declaration applicable at an age that looks politically and economically rather different than the 1940s, and to parties not tied to its drafting. One might want to deny that questions about “foundations” of human rights arise, recalling Maritain’s dictum: “Yes, we agree about the rights, but on condition no one asks us why” (Glendon (2001), p 77). Yet this “we” would only include those who were parties to the Declaration, and perhaps those who joined the UN later, but none of this would make the Declaration “universal.” As Beitz (2001) points out, another reason to why we need some theory of human rights is to answer straightforward questions about the Declaration, such as how to settle interpretive disagreement or conflicts of priority among rights.

presumably larger, set of rights. Otherwise, the more plausible approaches to the foundations of human rights there are, the more secure is their intellectual standing.³

Three points will be taken for granted here. First, I assume there indeed is a “global political and economic order.” This order is the existing system of states that covers most of the land of the earth as well as the network of organizations that, while not constituting an actual government, provides for “global governance.” The existence of enough structure to make that term applicable (and an accompanying capacity for coordinated action) is a minimal condition for there to be rights that could hold within that order. Our current global society has arisen from developments that began through the emergence of nation states and the spread of European rule since the 15th century as well as the subsequent formation of new states through independence and decolonization. At the political level, the state system is governed by a set of rules the most significant of which are codified by the UN Charter. At the economic level, the Bretton Woods institutions (International Monetary Fund, World Bank, later the General Agreement on Trade and Tariffs/World Trade Organization) provide a cooperative network intended to prevent wars and foster worldwide economic improvement. These institutions, jointly with the more powerful states acting alone or in concert, shape the economic order.

More could be said, but for our purposes what matters is that most of the land masses of the globe is occupied by states, and that global organizations allow for

³ Are human rights natural rights? One might think that, given the approach chosen here, the answer should be ‘no.’ However, associational rights of the sort that I think human rights are can still be *derived* from pre-associational rights, if those can be taken to have particular implications in the presence of institutions. This, in fact, will be the approach pursued here. Human rights pertain to individuals as members of the global order, but they are derived from ownership rights, which in turn are natural rights. I disagree here with Beitz (2003) and (2001), who also thinks of rights as pertaining to the global order, but makes a point of arguing that natural rights, or at any rate the natural rights tradition as it is commonly understood, *cannot* account for them. (Work-in-progress by Markus Stephanians responds to that by arguing precisely that natural rights should be taken to have certain implications in the presence of specific institutions.)

coordinated interventions globally in a way in which it has never before been the case.⁴ More controversially, presumably, I take it for granted that it makes sense to speak of rights that individuals can hold qua members of that global order. I assume, that is, that a certain form of skepticism about human rights (articulated, e.g., by O'Neill (2005)) fails, namely, that so-called "human rights" could not *possibly* be rights in a logically proper sense because they are not tied closely enough to ways of securing them. I submit that this straightforward connection between rights and ways of securing what one has a right to applies to the entity within which we are most used to rights, the state. Within the global order we must think of rights differently because their political context is one in which not only the enforcement and policy tools differ from those available in states, but in which it will often be required to set aside the enforcement of rights.⁵

⁴ This global order has for a while now been the subject of study by social scientists (see Slaughter (2004) for references). Philosophers are relative late-comers to a debate about a new sort of entity about which we now need to ask philosophical questions that resemble questions we have always asked about more familiar entities, in particular the state (cf. Pogge (2002) and Buchanan (2004)). My view of the global order as including states does decidedly *not* come with a commitment to a "Westphalian" state system that conceives of states as only minimally (if at all) subject to external authority. The sense of state territoriality presupposed here only ascribes to states (and thinks of sovereignty in terms of) basic control of access to the territory. For more discussion of the state and its changing role in the global order, see Risse (2006). For characteristics of the Westphalian system, see Zacher (1992).

⁵ This point (which of course needs developing) is different from the one made by Beitz (2003). Beitz rejects a set of claims about the nature of human rights from which it has been concluded that the Declaration contains more rights than what is philosophically defensible. Such moves amount to a "philosophical subversion of the political aims of the Declaration's framers" (Beitz (2003), p 37). "To dismiss the practice because it does not conform to a received philosophical construction" seems "dogmatic in the most unconstructive way" (p 46). For Beitz human rights are unashamedly "emergent and aspirational" (p 40). Beitz, I think, goes too far. The sheer fact that philosophical analysis would undermine the framers' aims should matter no more than that 18th century thought undermined the Ancien Regime. Beitz's response also comes with the danger that we lose our grip on the notion of a right if any criterion of what constitutes a right can be dismissed as dogmatic. (Beitz may be able to block this move, but it is not clear to me how he would, on his view.) Still, while O'Neill is right in principle about the link between rights and obligations, Beitz is right that one cannot have too narrow an understanding of what that entails. For a view of what is peculiar about states and about rights as they hold within states, see Risse (2006). What it means for rights to be held in states is conceptually more settled than what it would be to hold such rights within the global order since we understand fairly well what the policy and enforcement tools of states are. But the global order is in flux, and it is an open question what sort of enforcement tools it should adopt and how it should develop in the first place (a question that might be preempted if Wendt (2003) is right that a world state is at any rate inevitable). This point made about the particular nature about rights in

A third controversial point I take for granted is captured well in Pogge (2002):

Human rights violations, to count as such, must be in some sense official (...) [H]uman rights thus protect persons only against violations from certain sources. Human rights can be violated by governments, certainly, and by government agencies and officials, by the general staff of an army at war, and probably also by the leaders of a guerilla movement or of a large corporation – but not by a petty criminal or by a violent husband. (...) [H]uman-rights postulates are addressed, in the first instance at least, to those who occupy positions of authority within a society (or other comparable social system). (p 57f)

Think of the population of the world as being contained in one large set, and of what I described as the global order as captured by relations holding among individual members of that set. All citizens of a given state stand in one such relation to each other; all persons whose countries are members of the WTO in another, etc. In light of the three points that demarcate our starting point, my goal is to account for human rights as rights that individuals hold qua members of this set with those structures imposed on it, rights that are invariant with respect to conventions, institutions, culture, or religion and that impose demands specifically on sources of authority in this system as well as on individuals in positions of authority within it.

I begin by discussing core elements of Rawls' *Political Liberalism* (Rawls (1993), PL). Next I introduce the idea of a conception of human rights and characterize various

the global order does have some important theoretical implications. To see this, recall Cohen's (2004) three arguments for the view that human rights are a proper subset of the set of liberal rights. First, collective self-determination is a plausible element of a conception of human rights and entails an attitude of toleration towards societies that fail to realize justice fully. Second, citizens are still obligated by laws that remain somewhat below standards of full justice. Human rights tell us when to interfere but interference should occur only when people are no longer obligated to obey, thus not if society's performance is below the full realization of justice but above the threshold of obligation. The third argument draws on the importance of toleration. Yet none of these considerations succeeds, in light of the point that there will often be reasons to set aside the enforcement of rights held within the global order. In each case, the respective consideration identified by Cohen can be taken to provide a reason to suspend enforcement, rather than to keep the set of human rights smaller than that of liberal rights. No independent pressure emerges from any of these considerations not to think of something as a human right if considerations are available why something should be a human right.

such conceptions. We will see that Rawls' own conception in the *Law of Peoples* (Rawls (1999a), LP) makes it difficult to say why there would be a duty to stop human rights violations elsewhere. I then state my own proposal. In ways that resemble how PL proceeds for the domestic context, I take the global order as given and argue that it is committed to ideas of ownership.⁶ Reflection on ownership leads to the idea that all human beings have a symmetrical claim of ownership to the earth. The philosophically preferred way of interpreting this idea of collective ownership is a view I call "common ownership." From there we arrive at the view of human rights sketched earlier. This account will hardly rouse passions; to this end, what is needed is Rorty's (1993) (and Hume's) "progress of sentiments." Yet it may aid efforts "to command reasoned support and to establish a secure intellectual standing" for human rights (Sen (2004), p 317). My account owes enough to Rawlsian methods to warrant the title, which is an allusion to Rawls' 1985 essay "Justice as Fairness: Political not Metaphysical." Still, what emerges here is very different from what would have been amenable to Rawls, especially because of its emphasis on original ownership.

2. What matters about PL here is not the content of or argument for any liberal principles, but Rawls' method of arriving at them as well as the distinction between comprehensive moral views and political views of justice. (To keep the Rawlsian machinery minimal, I assume some basic familiarity with Rawls.) PL takes it as implicit in the "public political culture of a democratic society" (Rawls (1999a), p 32) that it is supposed to be a system

⁶ The classification of conceptions of human rights presented below further contributes to the sense that there are other ways of thinking about human rights than what I propose. Yet since my concern is *constructive* rather than *critical*, I do not devote much space to refuting alternative views on human rights.

of fair cooperation within which individuals are taken to have two moral powers: capacities for a sense of justice and for a conception of the good. Citizens are assumed to be free in the sense that they have a capacity for a conception of the good and regard themselves as “self-authenticating sources of valid claims” (Rawls (2001), p 23), and equal in the sense that they all possess these powers to an essential extent.

To elaborate on the point that PL takes a constitutional democracy as given and develops ideas implicit in it, rather than argue in support of it, let us glance at Williams (2005a). According to Williams, moral theories need to adopt a view of persons that may be factual or normative. Suppose it is factual. A liberal theory may, empirically, see persons as autonomous choosers of sorts. The problem is that defenders of other doctrines, especially religious fundamentalists (often assumed as opponents), take persons to be something rather different, such as creatures of divine grace whose fates are ill-understood as resulting from autonomous choice, and that it is impossible to settle this dispute conclusively. Suppose, then, that view is normative. That is, people are to be treated *as* persons with certain capacities for purposes of the theory, but that view is not defended by appeal to empirical facts.⁷ Then we “need to identify a place in the world, a practice, which will give the set of concepts a grounding in reality. This is what Rawls does when he identifies something like this [a liberal conception of personhood, MR] as the discourse of modern democratic states” (Williams (2005a), p 21).

⁷ “[T]he conception of the person is worked up from the way citizens are regarded in the public political culture of a democratic society, in its basic political texts (constitutions and declarations of human rights), and in the historical tradition of the interpretation of those texts. For these interpretations we look not only to courts, political parties, and statesmen, but also to writers on constitutional law and jurisprudence, and to the more enduring writings of all kinds that bear on a society’s political philosophy” (Rawls (1993), p 19f).

This “grounding in reality” is the starting point from which to argue for the theory at hand. A theory is persuasive only to those in the grip of certain background conditions. Rawls’ view of personhood is supposed to be plausible to those accustomed to democratic practices, to citizens who see themselves and each other as free and equal.⁸ Appealing to Wittgenstein, Williams points out that a theory cannot contain reflection on how it is grounded in practices because any such understanding is itself part of the practices. There is no standpoint detached from them that allows for such reflection.⁹

Implicit in practices of a constitutional democracy is not merely the presence of some form of governance, but a government as well as policy and enforcement instruments associated with *states*. What characterizes states (as has been argued, e.g., by Blake (2001), Nagel (2005), and Risse (2006)), is the exercise of coercion, and this fact is expressed when Rawls casts the project of PL in terms of asking “when may citizens by their vote properly exercise their coercive political power over one another when fundamental questions are at stake” (Rawls (1993), p 217)? Thus an application of Rawls’ views on domestic justice to questions of global justice requires examination of global structures with an eye on their coerciveness. Unavailable is an application of Rawls’ argument to a “global basic structure” extrapolated from cooperative structures that exist globally, as envisaged by Beitz (1979) and Pogge (1989). As Blake (2001) says, “[c]oercion, not cooperation, is the sine qua non of distributive justice” (p 289). This

⁸ This point is reflected in the fact that that view is specific to liberal societies. A “decent hierarchical society’s conception of the person (...) does not require acceptance of the liberal idea that persons are citizens first and have equal basic rights as equal citizens. Rather it views persons as responsible and cooperating members of their respective groups. Hence, persons can recognize, understand, and act in accordance with their moral duties and obligations as members of these groups” (Rawls (1999a, p 66).

⁹ Foundationalism “all the way down” is impossible. See Williams (2005b) for the relationship of this view to relativism. Williams offers these reflections as part of a discussion of Nino (1991). Williams objects to Nino that he has no way of grounding his rather extensive liberal view of human rights in this sense.

move does not undermine all attempts to argue that the global order is relevantly like states for Rawlsian principles to apply globally; but such attempts would have to demonstrate relevant similarities as far as *coercive* structures are concerned.¹⁰

Principles governing state coerciveness must be justified by reference to a political conception of justice, which in turn is to be contrasted with comprehensive moral doctrines that include conceptions “of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associated relationships, and much else that is to inform our conduct, and in the limit to our life as a whole” (Rawls (1993), p 13). A political conception of justice has three characteristic features. First, its subject is the basic structure, consisting of society’s “main political, social, and economic institutions, and how they fit together into one unified system of social cooperation from one generation to the next” (p 11). Second, such a conception is “freestanding and expounded apart from, or without reference to” (p 12) comprehensive doctrines; it “tries to elaborate a reasonable conception for the basic structure alone and involves, so far as possible, no wider commitment to any other doctrine” (p 13). A freestanding conception is developed *from within* a constitutional democracy, and is freestanding only in contrast to comprehensive views. The third feature make explicit that “its content is expressed in terms of certain fundamental ideas seen as implicit in the public political culture of a democratic society” (p 13).

In the background is the “fact of reasonably pluralism:” as an “inevitable long-run result of the powers of human reason at work within the background of enduring free

¹⁰ On coercion, see Rawls (1993), p 137, Rawls (1999a), p 26 (note 22), and p 133, as well as Rawls (2001), pp 4, 20, 40, 90f, 182, 190. For readings of Rawls supportive of this perspective, see Blake (2002) and Wenar (2004).

institutions” individuals arrive at different religious, moral, and philosophical doctrines, reasonable doctrines that nevertheless are irreconcilable” (PL, p 4). Yet what motivates the view that principles of justice must take the form of a political view is not so much the fact of pluralism as such (which could be consistent with deriving principles of justice from some sort of combination of such views), but the fact that such principles must be justified to individuals *as citizens*, hence as participants in a fair system of cooperation.¹¹

3. The point of looking at PL was to prepare the ground for assessing whether we can transfer the method used there as well as the distinctions with which Rawls operates to the global level to develop a non-parochial view of human rights. To this end, let me introduce the notion of a conception of human rights.¹² A conception of human rights has four elements: First, a list of these rights; second, an account of the basis on which individuals have them (that is, an account of what features of individuals make them into holder of such rights); third, an account of why that list has that particular composition, that is, an account of what generates it; and fourth, an account of who has to do what to realize these rights, that is, an account of the corresponding obligations. Conceptions of human rights will often take as their starting point a stance on the first, second, or third

¹¹ What enters here is a particular sense of mutual accountability characteristic of recent contractarian/contractualist thought (see for instance Darwall (2006)). Contractualists do not merely aim at offering justifications *per se*, but instead justifications *to* agents with a particular standing. In this case, what is characteristic of that standing is shared citizenship. In order not to complicate things, I will not employ the term “public reason” here. The key issue for Rawls is that coercion be justified to citizens; the fact that citizens have to talk to each other in certain ways when justifying their coercion of each other is not essential to my argument.

¹² I take the *concept* of human rights to refer to those rights that we have and that are invariant with respect to conventions, institutions, culture, or religion. Different concepts of human rights could be used, such as “human rights are those rights we have simply in virtue of being human,” “human rights are those rights that every state must recognize its citizens has,” or “human rights are those rights whose recognition are necessary preconditions for state legitimacy.” Again, I make no claim to the unique plausibility of this account of human rights, so there is no need to argue that one such concept is preferable to the others.

component and add the other components in a plausible manner, which may be trivial (if the basis on which humans rights are held readily determines what these rights are, say), or may require argumentative work.¹³ These three components are logically connected, whereas the fourth raises rather different questions. The concern about parochialism has to be addressed through the first three components, and so I will not deal with the fourth.

Which component one chooses to begin, and how this choice shapes what to say about the other components, depends on what one can defensibly claim about human rights. The classification is driven by epistemological concerns. I call conceptions that start with a list of rights as *list-driven* conceptions; those that use some specification of the basis on which they are held *basis-driven* conceptions; and those that so use some principle generating a list as *principle-driven* conceptions. Let us look at some conceptions to get a better sense of this classification.

Beitz (2004) distinguishes “orthodox” from “practical” conceptions of human rights. Orthodox conceptions are basis-driven conceptions. To explain the orthodox account, Beitz quotes Simmons’ (2001a) account of human rights as

rights possessed by all human beings (at all times and at all places) simply in virtue of their humanity...[They] will have the properties of universality, independence (from social or legal recognition), naturalness, inalienability, non-forfeatability, and imprescriptibility. Only so understood will an account of human rights capture the central of rights than can always be claimed by any human being. (Beitz (2004), quoted from Simmons (2001a), p 185)

What renders such conceptions *orthodox* is “the idea that human rights have an existence in the moral order that is independent of their expression in international doctrine” (Beitz

¹³ “Will often:” Nothing here turns on this classification being shown to be exhaustive, or on the claim that any conceivable view on human rights can be accommodated by it. The purpose of this distinction is to emphasize different epistemological commitments that come along with certain conceptions of human rights. This account deviates from Cohen’s (2004) conception of human rights. Cohen lists three conditions, which include my first and third, but in lieu of the second and fourth, Cohen has a general condition about the role of human rights in the global order.

(2004), p 196). Examples are accounts that use a Kantian conception of the person, a logic of moral agency, claims of self-ownership, claims of need and views that take human rights to be based on religion. Being basis-driven accounts, orthodox accounts begin with the second component (that basis), which leads to the third (a principle that generates the relevant list), which in turn leads to the first (that list). The fourth component (whose duties?) must be settled independently.

Such a conception will be adopted if one can defend a view of what it is about humanity that makes human beings rights-holders and develop this into an overall plausible conception. The first and third component will then have a logically secondary status. That is not to say that the first component always uniquely fixes the list of rights (turning this secondary status into a logically derivative one). In cases of disagreement about what is entailed by shared humanity, political practice, or a view about the function of human rights in global society, might help generate the list. But it can only be in such a *supplementary* manner that considerations other than those drawing on the basis on which human rights are ascribed affect that list. Rather than appealing to “common humanity” (or other ways of having an existence in an alleged moral order) one can think of basis-driven accounts in at least two other ways. One may start with the conviction that certain things must not ever be done to human beings, without offering views of why that is. One will take such a stance if one thinks such convictions are more secure than anything one may say to explicate them. Or one can develop basis-driven accounts in terms of a political structure, starting with a view on either membership in any defensible domestic order, as Scanlon (1979) does, or on membership in the global order, as we will do.¹⁴

¹⁴ Beitz (2001), (2003), (2004), does so too, but his seems best understood as a list-driven conception, because he takes current human rights practice as authoritative, and then searches for philosophical

Basis-driven conceptions differ enormously, depending on the basis. Some such bases would be comprehensive moral views as defined above, others would be political or *unfoundational* (to use a term employed by Cohen (2004)) in a manner that, if referring to the global order, would have to be explicated more, a point we revisit below. Still, all these conceptions start with some such basis.

On a “practical” conception “the functional role of human rights in international discourse and practice is regarded as definitive of the idea of a human right, and the content of international doctrine is worked out by considering how the doctrine would best be interpreted in light of this role” (Beitz (2004), p 197). We obtain a conception of human rights by starting with the third component (an account of why the list of human rights is what it is), in this case by assessing what the function of human rights in the global order ought to be, and thereby generate a list of them, thus adding the first component. This is a principle-driven conception. Beitz argues that Rawls (1999a) is best understood along such lines, where the function generating the right is the preservation of a world where liberal and decent peoples can prosper (Beitz (2004), p 202). Such an approach is consistent with a range of ways of providing the basis on which rights are ascribed. Different cultures may have different ways of doing so, which also is a view Beitz ascribes to Rawls. A principle-driven conception will be chosen if claims about what generates the list of human rights (such as their purpose within the global order) can be made with more certainty than claims about possible bases.

To move on to list-driven accounts, consider Rorty’s (1993) “sentimentalist” conception. Rorty dismisses reflections of the basis on which rights are ascribed, arguing

underpinnings for it (which differentiates his account from Rorty’s). It is only as part of that enterprise that considerations of membership in the global order enter, rather than as a basis in the sense intended here.

“that the question whether human beings really have [human rights, MR] is not worth raising” (p 116). He seems to take a similar stance with regard to the third component, telling us only that the emergence of a human rights culture owes “everything to hearing sad and sentimental stories” (p 118). The list of human rights has emerged through a process of broadening compassion, a “progress of sentiments” (to use a Humean term that Rorty adopts) Rorty thinks has been enormous in the last 200 years, and has led to a list of human rights he submits we should take for what it is. Rorty instead focuses on the fourth point (whose duties?) through an appeal to the need for education for people to see the similarities between themselves and others and thus to make the realization of human rights their concern. Rorty finds the second and third component dispensable because neither contributes to explaining why we endorse human rights.

4. Since we want to assess whether PL can help us develop a satisfactory conception of human rights, let us look at the discussion of human rights in LP. Rawls introduces a conception of human rights that aspires to be non-parochial, but cannot explain why the language of rights and duties is appropriate to his view. Once we see this, we can gather methodological inspiration from PL to develop an improved (renegade Rawlsian) account. Rawls introduces a principle-driven conception, starting with a view of what generates human rights. Among these rights

are the right to life (to the means of subsistence and security); to liberty (to freedom from slavery, serfdom, and forced occupation, and to a sufficient measure of freedom of conscience to ensure freedom of religion and thought); to property (personal property); and to formal equality as expressed by the rules of natural justice (that is, that similar cases be treated similarly). Human rights as thus understood cannot be rejected as peculiarly liberal or special to the Western tradition. They are not politically parochial. (Rawls (1999a), p 65)

These rights are a proper subset of the rights guaranteed by liberal justice. “What have come to be called human rights,” he says, “are recognized as necessary conditions of any system of social cooperation. When they are regularly violated, we have command by force, a slave system, and no cooperation of any kind” (p 68).¹⁵

The range of societies that maintain human rights is broader than the range of decent societies (societies worthy of toleration by liberal peoples and that respect a broad range of liberal rights).¹⁶ Fulfillment of human rights is necessary but not sufficient for being decent (which is why there can be non-decent societies that respect human rights), but such fulfillment *is* “sufficient to exclude justified and forceful intervention by other peoples, for example, by diplomatic and economic sanctions, or in grave cases by military force” (p 80; which is why non-decent societies can also be sheltered from intervention). Human rights pose minimal conditions on cooperation even where they are not supported. This view implies that adherence to human rights need not be part of a people’s traditions for egregious violations to justify intervention; it also implies, I think, that in societies where people comply with their government although human rights are often violated compliance is plausibly seen as resulting from force, or as expressing a

¹⁵ Rawls insists that human rights do not depend on seeing individuals as having the moral powers, and hence on the view of the person implicit in constitutional democracies: “The Law of Peoples does not say, for example, that human beings are moral persons and have equal worth in the eyes of God; or that they have certain moral and intellectual powers that entitle them to these rights. To argue in these ways would involve religious or philosophical doctrines that many decent hierarchical peoples might reject as liberal or democratic, or as in some way distinct of Western political tradition and prejudicial to other cultures”(p 68).

¹⁶ More specifically, a “decent hierarchical society” (the sort of decent society Rawls considers at length) is characterized by (a) being peaceful and non-expansionist; (b) being guided by a common-good conception of justice; (c) the possession of a “just consultation hierarchy” that represents all major segments of society and that the people themselves see as legitimate; and (d) honoring the human rights of its members (Rawls (1999a, p 64ff)). In comparison to just liberal societies what is missing is especially the realization of equality. My claim above, that the set of decent societies is a *proper* subset of the set of societies that respect human rights deviates from Freeman (2003b), who says that “[p]eoples and governments which afford only human rights are simply decent; they are not ideal or just from the point of view of many comprehensive doctrines” (p 47). But it seems that such societies do not even *have* to be decent.

false consciousness. Human rights are “universal” (p 80): every government is accountable in their terms and liable to intervention in cases of violations.¹⁷

What actions are called for with regard to states that fail to maintain minimal conditions of cooperation? (I assume such states do not, qua outlaw states, trigger intervention in self-defense.) In such cases outsiders seem permitted to aid the oppressed, and offer emergency assistance to those who, in light of the reasoning just presented, are assumed to want such assistance, at least if their un-coerced preferences are considered. This stance comes with qualifications, since assistance may not merely be costly but make things worse, and since un-stated preferences may be hard to interpret, but it is straightforward as a pro-tanto conclusion. The more difficult question is whether there is a *duty* to interference through economic or other sanctions, and possibly militarily.

The closest Rawls comes to addressing that issue is by stating that sometimes intervention is “called for” and “acceptable” (pp 93f, fn 6).¹⁸ According to Beitz Rawls thinks the purpose of human rights is to make the world safe for liberal and decent societies, which, as far as their foreign policy is concerned, is a reason drawing on enlightened self-interest. Perhaps permissibility of intervention in combination with self-interest is all there is to Rawls’ account of human rights (where the “statesman” must

¹⁷ (1) It is unclear whether Rawls sees a moral difference between sanctions and interventions, or whether the mode of interference is chosen on the basis of expediency. (2) The fact that acceptance of human rights does not entail a society is decent creates the conceptual possibility for outlaw states (aggressive states eager to expand at the expense of others) that internally accept human rights. In virtue of their being outlaw states, well-ordered societies are permitted to attack them in self-defense; in virtue of their accepting human rights, such intervention is precluded. Would Rawls argue that such states are empirically impossible? Another puzzling possibility is internally abusive states that are externally peaceful, if only for prudential reasons. Such states are not accounted for in the list of types of states and societies Rawls considers. Were they accounted for, intervention in cases of egregious human rights violations would be acceptable to Rawls. (See Rawls (1999a, p 93, fn 6.)

¹⁸ Consider also Rawls (1999a) p 79: “War is no longer an admissible means of government policy and justified only in self-defense, or in grave cases of intervention to protect human rights.”

ensure the *enlightened* self-interest is action-guiding, Rawls (1999a), section 14.2). Yet he insists on a *duty* of assistance to burdened societies (p 106). While he fails to explain why there should be such a duty, he refers to Sen, who sees human rights as central to development (Rawls (1999a), section 15; see Sen (1999)). From there it seems plausible to conclude that endorsing a duty of assistance also means endorsing a duty of intervention “[i]f the offenses against human rights are egregious and the society does not respond to the imposition of sanctions” (p 94, note 6).

But, again, what would be the foundation for such a *duty*? Rawls makes a claim to offering us a non-parochial account of human rights, but it remains unclear why the language of rights and duties (rather than that of foreign-policy goals) is appropriately used here. Perhaps Rawls would appeal to a *natural duty of justice*.¹⁹ But humanitarian interventions push the limits of such duties far, and such an appeal does little to deliver the conclusion that a country should dispatch soldiers to intervene with the problems of others it may have done nothing to cause. Such an appeal could not convince skeptics who deny that, even if one grants that there is some such a duty, it would amount to measures as far-reaching as that.²⁰ This difficulty arises because Rawls offers a *principle-driven* conception. A view on what generates a list of human rights does not all by itself explain why obligations arise for the realization of these rights. By definition, such a

¹⁹ For natural duties, see Rawls (1999b, section 19 and 51, as well as Waldron (1993).

²⁰ Jones (1996) points out that respect for basic rights is built into Rawls’ argument, rather than delivered by it, as well as that nothing in Rawls’ discussion explains why societies should be concerned about the justice or legitimacy of one another’s internal arrangements. Rawls (1999a) points out that Jones’ reading of his account of human rights is “mistaken,” and the respect in which it is mistaken is that it “is not clear that he thinks of them as universal and applying to outlaw states” (p 81, fn 25). But Jones is right that, although Rawls *thinks* of human rights in such ways, there is nothing in his account that would explain why he does, at least not if human rights also entail an obligation to intervene. A straightforward appeal to the correlativity of rights and duties would not do either; it would shift the question.

view starts with an account of what generates a list of human rights. Additional resources are needed to explain why what is claimed to be rights also corresponds to obligations on the side of others; more generally, such resources are needed to explain why talk about rights and duties is appropriate at all.

But why does Rawls adopt a principle-driven conception, and could he also adopt a *basis-driven* conception? Recall that PL specifies a view of personhood, implicit in the culture of constitutional democracies; devising principles of justice then amounts to assessing what the basic structure must be like to be imposed on persons of that kind. LP does not take a global order as given and uses ideas implicit in it to assess what principles should govern it.²¹ Instead, Rawls explores questions of global justice only to the extent that they arise about the foreign policy of liberal states (Rawls (1999a), p 10), and thus his view on human rights is aptly interpreted, as Beitz proposes, as offering a prescription that is meant to make the world safer for liberal and decent societies. Global justice is seen in a partial perspective, and it is in this way that Rawls embraces a principle-driven conception. What such partiality can deliver is the foreign-policy prescription that non-intervention should be practiced with regard to countries that respect human rights; what it cannot deliver is a reason why liberal societies are obligated to intervene if human rights are violated, at any rate not then *merely because* they are violated.

Yet it is possible to motivate the search for a basis-driven conception instead, one that explains why there would be duties to intervene when human rights of distant strangers are violated, and that uses the method applied in PL more than LP does. The possibility that the existence of a system of states, thus the global order itself, requires

²¹ Wenar (2006) offers a reading of Rawls (1999) on which he does do this. I discuss this reading below.

justification is never entertained in LP. Yet despite differences between the sort of coercion exercised within a state and that exercised by the sheer existence of a system of states, the global order is coercive, if only in the minimal sense that (a) borders are enforced with the threat and application of force, and (b) average life prospects vary among states to such an extent that it may be eminently reasonable for individuals in poor countries to try to immigrate to rich countries, and that it will arguably be unreasonable at least for the poorest of the poor not to emigrate, had they the *realistic* opportunity to do so.²² In light of these facts, the global order itself requires justification.²³

This is reason enough to explore if there is a view of the person implicit in the global order in much the same way in which the idea of free and equal citizens is implicit in the idea of constitutional democracy; and whether in this way we can develop a basis-driven conception that helps justify the coerciveness of the global order to that kind of person, in much the same way in which the coerciveness of the basic structure was justified to free and equal citizens (and that could be considered freestanding in some appropriate sense). Such a conception would hopefully also tell us why there would be a duty to interference on behalf of distant strangers. This approach transfers the approach in PL to the global scenario, something Rawls himself does not do.

²² Such an opportunity would be realistic if the costs of relocation were not prohibitive. (Cavallero (2006) points out that, to the extent that preferences of individuals matter for assessing the validity of their claims to relocate, these should not be actual preferences but hypothetical preferences individuals would have if such costs were not prohibitive. Otherwise one is too much guided by the de-facto absence of a strong display of a desire to relocate, which in turn, however, might well be shaped by a belief in the practical impossibility of such relocation.) One might want to resist the view that it is because of these conditions that the global system of states requires justification. Rather than engage with this worry, let me say that I am about to argue that we should see the earth as collective property of humanity, which by itself generates the need to justify restrictions on movement.

²³ At this stage, I cannot yet talk about justification “to” anybody because not enough has been said about what would give the relevant standing to the individuals involved. However, exploring what justification can be offered here will also lead us to the basis on which individuals have the required standing, so that later on talk about “justification-to” will also become appropriate.

5. I will argue that it is implicit in the global order that individuals are seen as property owners (just as it is implicit in a constitutional democracy that individuals are seen as free and equal); from there we are led to think about the original ownership status of the earth itself, which in turn leads to the view that the earth is owned by humanity collectively. The existence of a system of states must be justified vis-à-vis the philosophically preferred way of interpreting that idea. A basis-driven conception of human rights emerges as part of such a justification.

The global order is a political system in which groups make claims to the occupation and use of resources, including territory, at the cost of restricting the entry of others. With most of the land mass of the earth divided up, “[t]he control of territory is the essence of a state” (Malanczuk (1997), p 75).²⁴ States may themselves adopt vastly different systems of ownership, explicating what sorts of control, use, benefits from ownership, transfers, or possibilities of exclusion the owners may have, as well as vastly different ideas about who can own anything to begin with, and what can be subject to what form of ownership. Ownership regimes include libertarian regimes without any sort of social obligations, property-owning democracies, democratic socialism (see Rawls (2001), section 41), and communism, but the notion of ownership is sufficiently flexible to allow even for regimes rather different from these.²⁵ Some states have insecure

²⁴ Again, recent changes in the nature of territorial control, whatever they are in detail, will not affect the argument being developed here. States continue to have “enough” control over territory for these considerations to apply.

²⁵ For the concept of property, see Honore (1961) and Reeve (1986). Ownership is a complex notion, and much of its content will depend on the presence of certain political and economic structures. In what follows the context should make clear how much content one should associate with the relevant notion of “ownership,” and this will be much less than what is available for a notion of ownership in the legal body of, say, a contemporary industrialized nation.

property rights or are unable to enforce what rights there are. Possibly there continue to be indigenous peoples who can even be said to reject notions of ownership altogether.

Nevertheless, the global order is a system of territorial states, and this is one of the most fundamental facts about the political conditions under which human beings live. The global order is an association within which it is a commonly accepted practice that organized groups of individuals occupy certain territories and preclude others from entering them. In this minimal sense a *commitment to property* is implicit in the global order.²⁶ Thereby the global order is also committed to seeing individuals as *either*

²⁶ (1) There are those who, like Ruggie (1998), think that territoriality, as much as it was a defining feature of states in modernity, has been giving way to a postmodern conception of the state characterized by the decline of territoriality. Indeed, seeing the global political and economic order primarily as a system of territorial states misses many of the important developments of recent decades, first of all the increasing importance of transnational organizations and networks (see Slaughter (2004)). But while indeed territoriality has lost its importance in the sense that much of what occurs on the territory of a state is no longer under its effective control, this does not affect the basic point made here. (2) The global order is not merely *de facto* a system of territorial states; the claim about a commitment to property is also included in various major documents. For instance, both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights state in their respective Article 1 that there is a right to self-determination of peoples as well as the right for them to “freely dispose of their natural wealth and resources.” Similarly, Article 21 of the African Charter on Human and Peoples' Rights states: “All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.” The principle of ownership by the people is also enshrined in many national constitutions. For example, Article 109 of the new Iraqi constitution proclaims that: “Oil and gas is the property of all Iraqi people in all the regions and provinces.” Examples are easily multiplied. See also e.g., General Assembly resolution 1803 (XVII) of 14 December 1962, “Permanent Sovereignty over Natural Resources”; and the “Declaration on the Right to Development” adopted by the United Nations in 1986. (3) One needs to distinguish between property on the one hand and jurisdiction and sovereignty, on the other, lest one runs into conceptual difficulties. To illustrate: If the US is collectively owned by its citizens and I own the lot on which my home is built in the US, then two different agents own the same thing without collectively owning it (see below on different sense of collective ownership). So either the US owns territory in a different sense from the way in which I own my house, or else territoriality is something different from ownership. Similarly, we can imagine a state system existing on an earth on which every square inch is privately owned by somebody. We could in principle radically reorganize the territorial structure (through successions and annexations, say) without reorganizing the property ownership structure; or we could reorganize individual titles of ownership without altering the territorial structure. But having acknowledged all this, I continue to suppress this distinction since for our purposes it does not matter; paying close attention to it would merely make the formulations clumsier. What matters is that jurisdiction and sovereignty are forms of collective control at the exclusion of others; within each of the units demarcated in this way, then, the property regime is subject to that unit’s regulation (where conceivably that regulation itself is subject to constraints – and where in

property holders *or* otherwise at least as parts of groups that can hold property (where the disjunction is used to include cultures where property holders are groups rather than individuals). There are many other things to say of the global order, perhaps many more interesting things. It is its triviality that makes the idea that a commitment to property is implicit in the global order useful for grounding human rights, and it is in light of this triviality that there is nothing parochial about claiming that the global order sees human beings as potential property holders, parallel to the way in which constitutional democracies see human beings as free and equal citizens.²⁷

Once we see that the global order is committed in this way, we are led to ask about the original ownership status of the earth as such; after all, the earth is the area on which the global political and economic order persists. “Original” ownership is not meant to connote with time. Such ownership is a moral status the earth may have and that would have conceptual and moral priority over appropriation. What we need to inquire about, however, is not merely territory, but resources generally, including all materials present on this planet without human contribution (air, soil, raw materials such as minerals, coal, water, as well as land), and, even more generally, the value for human purposes of certain regions as it is determined not only by resources, but also by biophysical factors such as climate. What human beings occupy is not two-dimensional territory but three-

turn this formulation should be understood broadly enough so as to be able to accommodate even a Lockean view as defended by Simmons (2001b), where sovereignty is derived from individual ownership).

²⁷ States also (often) see individuals as property owners. But that does not affect the point made here; extreme forms of communisms may grant no private property whatsoever to individuals while still claiming collective ownership of a territory. Also, one might object that there is a sense in which the fact that individuals are seen as free and equal citizens is more central to constitutional democracies than seeing individuals as property holders is to the global order. But that would not affect the point made above either.

dimensional space whose usefulness for human purposes is affected by a range of such biophysical conditions.

The original ownership status of the earth has been discussed elsewhere (Risse (2004), (2005), Blake and Risse (forthcoming)), so I can be brief. Within a world committed to property in the way sketched, we are led to examine property rights of the earth for two reasons. Such resources, first, are needed for any human activities to unfold; second, they have come into existence without human interference. Call *Egalitarian Ownership* the view that the world's resources originally belong to humankind collectively, and that therefore all humans must have *some* sort of symmetrical claim to them. I submit that, in light of the two points just mentioned, this is the most plausible view of the ownership of resources. The considerations motivating Egalitarian Ownership speak only to raw materials, not to what human beings have *made* of them. The distinction between what “is just there” and what has been shaped by humans is blurred, say, for land human beings have wrestled from the sea. But by and large, we understand well enough the idea of what is just there without human interference.

To be clear: I have argued that the global order is committed to seeing individuals as *either* property holders *or* otherwise as members of groups that hold property. I have not claimed that the global order is per se committed to seeing *individuals* as property owners. However, since we find such notions of ownership implicit in the global order, we are led to ask about the original ownership status of the earth. It is in response to that question that I submit Egalitarian Ownership as an answer. Egalitarian Ownership emerges from what one might call an internal critique of the ownership commitments implicit in the global order, that is, from an effort to secure the philosophically preferred

interpretation (in light of the relevant considerations) of the practice we found to be implicit in the global order. This effort begins by noticing that, again, the resources of the earth are needed by every human being whereas their presence is nobody's accomplishment. What allows us to draw the conclusion that, therefore, all individuals originally have symmetrical claims to the resources of the earth is the point that any consideration that would lead to a *different* conclusion (that is, allow for an asymmetrical status of some individuals) will turn on claims that are irrelevant to the particular question of who originally owns the earth (such as views about what sort of living arrangements individuals find themselves in), a question that, I submit, only turns on the facts that the existence of the earth is not any given person's accomplishment whereas its resources are needed by all.

These considerations should be intelligible and acceptable even within cultures where individuals are not actually seen as property owners, at least as long as the claim that all individuals have a symmetrical claim to what is originally owned is understood in sufficiently weak terms to keep it within plausible limits. As far as such cultures are concerned, the symmetry of claims to originally owned resources merely applies as a standing demand to keep the property regime justifiable to those subject to it. Nothing about Egalitarian Ownership precludes such cultures from being acceptable to their own members even if they do not treat individuals themselves as property holders. Thus there is no danger that the importance of individuals is overstated beyond what is acceptable within such cultures, while at the same time the stance developed here makes room for the thought that even such cultures must be acceptable to those who live in them, no matter how precisely we understand such acceptability. At any rate, it is this additional

step that is needed to take us from a disjunctive claim involving both groups and individuals to individuals. While I sometimes say it is implicit in the global order that individuals are seen as property holders, the content of this claim should be understood in the (indeed rather weak) sense just explained, with this step added.²⁸

One may also object that, while it does make sense to ask about the original ownership of resources, originally, resources are unowned, and their appropriation not subject to moral considerations. Yet if it is granted that questions about pre-legal rights of individuals over resources are meaningful, the claim that resources are originally unowned does not answer them; one would then have to ask these questions in terms of original acquisition of what has no property status, rather than in terms of privatization of what is collectively owned. Either way, it will be hard to eliminate the intuition that all of humanity has a symmetrical claim to resources.²⁹

The next task is to spell out the philosophically preferred conception of Egalitarian Ownership. To state the alternatives note that there are, roughly, four types of ownership-status an entity may have: *no* ownership; *joint* ownership – ownership directed by collective preferences; *common* ownership – in which the entity belongs to several individuals, each equally entitled to using it within constraints; and *private* ownership.

²⁸ These considerations respond to two kinds of critics: first, critics who think that it is merely implicit in the global order that states are seen as holding property (in the sense of having jurisdiction over an area) -- of such states, after all, it would still be true that they see either groups or individuals as property holders, and from there the considerations offered above follow; and second, critics who think that the disjunctive claim involving both groups and individuals might just as plausibly lead to a claim only involving groups as to a claim only involving individuals – to such critics it is said that they are, first, illegitimately accepting an asymmetrical status of certain pairs of individuals, and that, second, the rejection of their standpoint does not come with unacceptable losses.

²⁹ Another objection is that in certain cases of unowned property, we have different intuitions: the twenty-dollar bill on the ground belongs to whoever finds it. Yet this is so because such cases are infrequent and deal with relatively minor values. This stance fails for sacks of hundred-dollar bills, and we would want a better story even about twenties if they appeared on trees only grown on some people's property.

Common ownership is a right to use something that does not come with the right to exclude other co-owners from also using it. If the Boston Common were held as *common* ownership when it was used for cattle, a constraint on each person's use could be not to bring more than a certain number of cattle, a condition motivated by respect for other co-owners and the concern to avoid the infamous Tragedy of the Commons. Other than abiding by such constraints co-owners can do as they please. Yet if they held the Common in *joint* ownership, each individual use would be subject to a decision process to be concluded to the satisfaction of each co-owner. Joint ownership ascribes to each co-owner property rights as extensive as rights of private ownership, except that others hold the same rights: each co-owner must be satisfied on each form of use.

So there are various interpretations of Egalitarian Ownership: resources could be jointly owned, or commonly owned, or each person could have private ownership of an equal share of resources, or its value equivalent. Recall the original intuition in support of Egalitarian Ownership: while natural resources are valuable for human endeavors, their existence is nobody's accomplishment. This intuition is best accommodated by common ownership, whereas the other two views come with problems of their own. The argument for this stance is developed in Risse (2005) and in Blake and Risse (forthcoming). Common ownership is a relatively weak notion of collective ownership; it only requires that use of collectively owned resources abide by constraints ensuring each co-owner's status is respected as such. It implies that co-owners who unilaterally use resources do not owe compensation *merely* because others do not, or exploit certain resources others fail to find where they live. Still, common ownership is a form of Egalitarian Ownership, and its collective aspect must be meaningful. For our purposes, however, nothing much

turns on the claim that common ownership (*rather than* the other two interpretations) is the preferred interpretation of Egalitarian Ownership; the work in what follows is done by appeals to Egalitarian Ownership itself. Still, since an argument for common ownership is available, I will in fact adopt it here.

6. Yet although all humanity owns the earth collectively, and although the high seas and Antarctica are treated legally as a Global Common,³⁰ the remainder of the land is covered by territorial states. While self-determination of peoples is enshrined in constitutive documents of the global political and economic order, collective ownership of the earth is not.³¹ Respecting self-determination of peoples leads to a political system that is not obviously inconsistent with common ownership, but such a system needs to be reconciled with humanity's symmetrical claims to resources. States not only regulate use of resources under their control, but in our world, which state one is born in shapes one's prospects like no other.³² What must be ensured is that the moral status of the co-owners is not violated by the installation of such a system.

As Blake and Risse (forthcoming) argue, common ownership has implications for how much movement across borders must be permitted.³³ Does common ownership have

³⁰ See Malanczuk (1997), pp 149f (for Antarctica), and pp 184 ff (for the high seas). Outer space is also treated in this way.

³¹ See. UN Charter, Chap. 1, Art. 1, Par. 2; International Covenant on Economic, Social and Cultural Rights, Part 1, Art. 1; International Covenant on Civil and Political Rights, Part 1, Art.1. See also Malanczuk (1997), p 326f.

³² "Like no other." Milanovic (2005) shows that inequality among countries is much larger than inequality within states.

³³ Ignoring conceptual complications, suppose V_S measures the value of the collectively owned resources on the territory of state S. Such a measure, again, would have to include not merely the size of the land, but also resources like minerals and water, and the quality of the location as captured by a range of biophysical factors. This measure would have to evaluate a region's overall usefulness for human activities. To assess

implications beyond the fact that the world's resources have to be divided up among the population in a manner that respects numerical proportions to be consistent with its common ownership status? I think it does. The imposition of a system of states that divide up the world's resources alters the original symmetry of claims to resources in two ways: First, it imposes a system of ownership where groups claim (group-specific) collective ownership for certain regions, parts they consider to be under their "jurisdiction" and where they regulate ownership internally without much consideration for others although those are co-owners of the earth as well. Co-owners will be excluded from exercising ownership rights with regard to much of what is collectively owned. Second, a system of states imposes a complex system of internal political and economic relationships within each state whose specific design affects the extent to and manner in which individuals can exercise their ownership rights within given states (including failed states and states with abusive governments).

So the imposition of a state system, regardless of its moral virtues or prudential advantages, and regardless of what life would be like in a "state of nature," imposes two problems on co-owners: it exposes them to the ex ante risks and ex post reality of finding themselves in conditions where their status as co-owners can be exercised at most in rudimentary ways; and it allows them only limited exit options (if any) if they find themselves with an abusive government or in a state that fares worse than others.³⁴ This

the extent to which S's territory is used one would divide V_S by the number P_S of people in S. V_S/P_S is the *per-capita use rate* of commonly-owned resources on S's territory. The territory of S is *relatively underused* if V_S/P_S is bigger than the average of these values across states (in which case the average person in that area uses a resource bundle of higher value than the average person in the average country), and it is *relatively overused* if this value is under average. If V_S/P_S is above average, co-owners elsewhere have a pro tanto claim to immigration; otherwise they do not.

³⁴ It is also the presence of these problems that accompany the imposition of states that should address doubts that the common-ownership approach merely has implications for questions of immigration. The

takes us to human rights. Human rights, to use Cohen (2004)'s phrase, "theorize membership;" they stipulate conditions of what minimally acceptable membership in communities means, conditions on which individuals can insist in virtue of being co-owners of the earth on which states have been erected. They can make these demands "in virtue of" being co-owners *not* because common ownership rights themselves entail them; after all, those rights are *liberty* rights, and it requires an additional step from there to the kind of *claim* rights presented by human rights. Instead, they can make these demands because imposing a state system would otherwise unduly *restrict* their liberty rights and thereby interfere with their status as co-owners.

On the face of it, this is a strong claim. Not only does this argument lead to claim rights where only liberty rights were assumed; but assuming that human rights include more than property rights, it also derives rights that are not plausibly understood as property rights from such rights, for instance rights of physical inviolability. (I will say more about what sorts of rights can be obtained in this way.) Notice two arguments I am *not* making. Contrary to some libertarians, I do not propose a broad understanding of property rights that would also involve a notion of self-ownership and lead to rights other than rights in external resources via rights in one's own person. (I do not endorse such an appeal to self-ownership; cf. Risse (2004).) Nor do I use an argument parallel to one employed by Shue (1980), who thinks other rights can be derived from a postulated right to subsistence because otherwise that right (which is assumed to be independently plausible) could not be enjoyed even in a rudimentary sense. (If common ownership is

common-ownership standpoint would be exhausted after all implications regarding immigration have been realized only if we lived in a world where the imposition of a state system did not create these particular problems.

taken to have such implications, a sensible response would be to question whether the grounds on which Egalitarian Ownership was established can carry that weight, and I am uncertain as to whether a good reply is available to that response.)

My argument is yet a different one. Imposing states affects the actual exercise of commonly shared property rights in the particular ways sketched above. Human rights are guarantees that individuals need to hold against states to keep states from undermining their status as co-owners in those ways; they are demands that can be put, to use Pogge's (2002) formulation again, "to those who occupy positions of authority within a society (or other comparable social system)" and that neutralize the specific sort of infringement of common property rights inherent in the imposition of states. Liberty rights give way to claim rights because the imposition of states threatens to undermine those liberty rights, and in this way a conceptual link between liberty and claim rights arises.³⁵

When introducing the notion of the global order I said that what would be needed for my argument is that, first, most of the land masses of the globe is occupied by a system of states, and second, that global organizations allow for coordinated action in a way in which it has never before been the case. That second point now enters as well. States do not merely threaten individuals' status as co-owners because domestic political

³⁵ I am refraining from a deeper engagement with thinkers such as Hobbes, Locke, and Grotius since space limitation do not allow me to pursue such parallels. (Those and other thinkers were much exercised by questions of the original ownership status of the earth, in particular by the question of how collective ownership rights in the earth could lead to actual claim rights. See Tuck (1999).) Let me briefly address only a Hobbesian objection to my argument. In a Hobbesian spirit one might say that individuals would agree to living in states even if states failed to offer the sort of guarantees given by human rights. For living without the protection of states would be worse than a state offering less protection than it is here suggested that it should. That may be true, but would be motivated on the sort of rational grounds that Hobbes postulates. Individuals would do so only under duress. My argument takes individuals to be co-owners of the earth, and it is in this manner that an entitlement of the sort postulated here arises.

and economic relationships might be oppressive. Another feature of the system of states is that it severely restricts exit from failed or abusive states, as well as from states that are less flourishing than others, by restricting entrance to other states. The problem to which human rights are the solution is not posed merely by the existence of any one given state; regardless of whether given individuals actually desire to go elsewhere, the problem that the exercise of common ownership rights is infringed by states is posed by the existence of a system of states, and that is why responsibilities that arise here must be allocated at that level, as a collective responsibility. The assumption of such responsibility is a price to pay for those who end up under favorable conditions in a political system based on self-determination of peoples.

Such responsibility might not amount to much if there is no sufficiently well-developed political entity within which human rights can be held *as* rights, and that this entity is capable of actually implementing a collective responsibility for their enforcement (enforcement that must be understood in terms of the tools available to that sort of political entity). But, by assumption, enough structure exists to allow for the sort of coordinated action needed to make sense of such talk. So the rights and duties that arise because of the imposition of the global order on commonly owned land are indeed best understood as allocated not within individuals states, but within that order as such. Individuals hold rights because of the imposition of this system; duties apply to sources of power both domestically and internationally.³⁶

³⁶ One might wonder how important it is that indeed most of the land masses of the earth are covered by states. Would different considerations apply if some parts of it were still unused? That would depend on how easy it would be for people to get to those unused areas and make a living there for themselves. What matters for this approach is that commonly owned resources are covered by a system of states within which movement is restricted by coordinated action is possible; it so happens that this system covers the whole globe. One might also ask whether a state can excuse itself from any responsibility of supporting the realization of human rights elsewhere if it opens its borders to most of those who are eager to come. In such

7. To the extent that the standpoint of human rights captures an idea of neutrality, it is neutrality reflected in the fact that a political arrangement is justified to individuals qua co-owners of that Global Common. We can see now also in which sense this is an un-foundational, freestanding view (and a particular kind of basis-driven conception), much in the same way in which PL constructed such views for the domestic case. In the domestic case un-foundational conceptions of justice are concerned with the basic structure and are not based on comprehensive views but instead address individuals as free and equal citizens. The ideas defining such citizenship, in turn, Rawls takes to be implicit in the idea of a constitutional democracy. I have argued that, in a parallel manner, the view of human beings as property holders is implicit in the global order, and that an internal critique of the global order takes us to Egalitarian Ownership as a position

a case, one might say, a state has effectively undone its contribution to the problem to which a collective responsibility for human rights is supposed to be the answer. The response to this, I think, is affirmative, but in our world as it currently is those countries who could do this without triggering a reaction that would immediately undermine the feasibility of this step (that is, attract more immigration than they would find acceptable) are those that, in terms of any plausible scheme of fairly dividing up the collective responsibility for maintaining human rights, would not be assigned a high burden anyway. So the practical relevance of this would be low. But, so this line of inquiry could continue, what about countries that could open their borders and not expect to find many people wishing to immigrate simply because they are hard to get to, rather than because nobody would want to go there? In the case of such countries it might not be true that any fair scheme of dividing up the responsibilities of maintaining human rights across the globe would only assign them a marginal role. (Iceland might be a case in point.) However, what drives this sort of case is an appeal to a practical obstacle to immigration. While Blake and Risse (forthcoming) reject the stance that questions of immigration themselves should be settled by appeal to individual preferences, regardless of whether they are actual or hypothetical, I think that, to the extent that preferences matter for questions on global justice, it should be hypothetical preferences of the sort that individuals would have were there no serious obstacles to immigration (as Cavallero (2006) argues)). If so, the response to a case of this sort would be that such a scenario could not arise in the relevant way. (It should be kept in mind that the main thrust of the discussion here is that (a) the imposition of a state system infringes on the common ownership status of the earth in a manner that requires justification, which (b) results in the claim that the realization of human rights is a collective responsibility. Thinking about cases such as these two just discussed here draws in separate issues and counterfactual scenarios and might, in light of these complexities, not admit of a uniquely best answer, at any rate within the confines of what can be spelled out there. At the same time, this point might not affect the overall plausibility of the view defended here.)

on original ownership of the earth and to the idea of common ownership as its preferred interpretation. It is from there that we have reached the notion of human rights.

By construction this view is not parochial. Regardless of whether every culture has notions of ownerships resembling those common in Western traditions, regardless even of whether notions of ownership have spread only as part of Western expansionism, the global order, consisting as it does of a system of states, covers the whole earth. It is for this reason that the worry about parochialism can be addressed. No view is used about what matters normatively about being human or being a person and how that gives rise to such rights, other than the view that it is implicit in the global order that individuals are seen as property owners. The philosophical commitments of this approach are minimal; it simply works with the global political system that we now have and subjects it to an internal critique. On this view, however, it becomes plausible how talk about rights as well as duties is generated, in a way in which it was not in Rawls' account.

My view does not presuppose that individuals "participate" in the global order in any sense involving economic or political exchange. Remote tribes without exchange with outsiders have human rights on my account. They are co-owners of the earth and constrained by the imposition of the state system even if those constraints do not affect their lives as they actually lead them. In the case of such tribes there presumably are unusually strong reasons to set aside enforcement of human rights.³⁷ Still, one may

³⁷ If by any chance a colony of humans is discovered on the back side of the moon, the considerations explored in this study would not apply to them. That, of course, does not mean one can do with them as one pleases. But they would not be members of the global order as I understand it here, and thus the considerations developed here would not bear on their moral status. Also, if human beings were to live without political associations that can reasonably be said to restrict their common ownership rights, this derivation of human rights would not apply. This does not strike me as problematic, however, because a world in which (a) that would be the case and in which (b) we would still care about human rights would be so different from ours that it should not by itself deter us from thinking about human rights in the way suggested here.

wonder whether this appeal to ownership rights, parochial or not, is the right basis for human rights. One may say that the concern for other human beings expressed in human rights is not a concern for the maintenance of property rights. It would be bizarre if human rights activists were motivated by worries *about ownership*. Yet note first that one should disregard any quasi-bourgeois connotations about property; at stake is ownership of things that make human life possible in the first place, not of things that, say, some people in Zola's *Germinal* have but most do not. Although this approach is not explicitly needs-based, the notion of needs is connected to it in this indirect way.

Nevertheless, this account does not deliver a basis on which one could easily motivate individuals to engage themselves for the realization of human rights, nor is it intended to do so. I have set out to provide a (non-parochial) account of the basis on which we can see why there is an actual obligation for the global order as a whole to take on responsibility for the maintenance of minimal standards in political communities across the world. The motivation of individuals to become human rights activists, or to care about the realization of those rights in any way, does not have to emerge from their foundations but instead could and would have to be kindled in other ways. But generally, moral education does not have to proceed by teaching subtleties of moral theory.

8. I will conclude this discussion by addressing two points. First, I will revisit the manner in which the argument in LP was transferred to the global level, to illuminate the structure of the argument further. Finally, in the next section, I will explore how long a list of human rights can be obtained from this construction. Wenar (2006) has recently offered an interpretation of Rawls that responds to critics who think LP is incoherent with

Rawls' earlier work (see, for instance, Caney (2002)). The key to rendering Rawls coherent is, according to Wenar, that both in the domestic and in the global case he draws on ideas implicit in the global public political culture, which is, as Wenar says, "the only source of doctrine that can serve as a focal point for all individuals" (p 102). Rawls believes "that humans should be coerced only according to a self-image that is acceptable to them," which means in particular that "[s]ince 'global citizens' cannot be presumed to view themselves as free and equal individuals who should relate fairly to each other across national boundaries, we cannot legitimately build coercive social institutions that assume that they do" (p 103). Wenar uses this observation (rightly, I think) to explain why Rawls did not advocate global egalitarian ideals of a sort that for instance Beitz (1979) and Pogge (1989) found natural as an extension of his domestic principles. Global public political culture is of a different (and much thinner) nature than the public political culture of a constitutional democracy. Thus there is methodological unity to Rawls' work although the domestic and the global case are treated differently.

This reading seems to neglect the extent to which Rawls meant for LP to be a partial account of global justice (a partiality also emphasized by Freeman (2003b), pp 44f). Although my approach offers a version of what Wenar ascribes to Rawls (by way of making his views as coherent as possible), I doubt that Rawls *himself* intended to do this. But be that as it may, my approach follows the general method Wenar ascribes to Rawls, but then pursues a particular way of thinking about what is implicit in global public political culture that is decidedly un-Rawlsian since Rawls never took considerations about property to have any foundational role to play. But let us take another look at the parallel between the construction in PL and what I have offered here for the global case.

In PL, Rawls needs to explain why he introduces a conception of justice that is political or freestanding, rather than one that is in some way derived from combining comprehensive views. As he says, “we can proceed in two ways:

One is to look at the various comprehensive doctrines actually found in society and specify an index of [primary, MR] goods so as to be near to those doctrines’ center of gravity, so to speak; that is, so as to find a kind of average of what those who affirmed those views would need by way of institutional claims and protections and all-purpose means. Doing this might seem the best way to insure that the index provides the basic elements necessary to advance the conceptions of the good associated with exiting doctrines and thus improves the likelihood of securing an overlapping consensus. This is not how justice as fairness proceeds; to do so would make it political in the wrong way. Rather, it elaborates a political conception as a freestanding view working from the fundamental idea of society as a fair system of cooperation and its companion ideas. The hope is that this idea, with its index of primary goods arrived at from within, can be the focus of a reasonable overlapping consensus. We leave aside comprehensive doctrines that now exist, or that have existed or that might exist. The thought is not that primary goods are fair to comprehensive conceptions of the good associated with such doctrines, by striking a fair balance among them, but rather fair to free and equal citizens as those persons who have those conceptions. The problem, then, is how to frame a conception of justice for a constitutional regime such that those who support, or who might be brought to support, that kind of regime might also endorse the political conception provided it did not conflict too sharply with their comprehensive views. This leads to the idea of a political conception of justice as a freestanding view starting from the fundamental ideas of a democratic society and presupposing no particular wider doctrine. (Rawls (1993), pp 39f; cf. Rawls (2001), p 188f)

Why is the compromise sketched here “political in the wrong way?” This cannot be so because reasons internal to certain comprehensive views cannot be expected to be shared by those who do not share that comprehensive view; for by construction, this fair-balance approach endorses only views for which there is a reason in each comprehensive view. Instead, the reason is that, given a fair system of cooperation among free and equal citizens, matters pertaining to its domain (the basic structure) should be regulated in terms of reasons internal to that system, and thus by reasons that speak to individuals as citizens, not to individuals qua holders of comprehensive views. The sort of mutual

accountability involved in Rawls' contractarian project implies that drawing on a comprehensive moral doctrine would be drawing on the wrong sort of view, regardless of whether we draw on only one such doctrine or a compromise among a number of them.³⁸

One might wonder, though, whether the problem of parochialism at the international level cannot be addressed by a fair balance approach *even though* such an approach fails at the domestic level. Human rights might well be of global reach even if they emerge as part of such a fair balance, rather than within a freestanding view. That is, if the concern is parochialism, the minimal requirement seems to be only that some justification for human rights be obtainable from considerations available within the political and moral culture of each relevant state. On this view, however, my strategy has a looser connection to PL than I have claimed. While my approach would share with Rawls (as reconstructed by Wenar (2006)) the idea that legitimacy must be located in the public political culture of the entity in question (and thus be grounded in reality in the way described by Williams (2005a)), no counterpart would be needed at the global level for the distinction between political and comprehensive views. At the global level, to put it bluntly, it could all be done in terms of comprehensive views alone.

But his objection underestimates the independent plausibility of Egalitarian Ownership and the considerations in its support. In the domestic case, comprehensive doctrines would not do for deriving principles of justice because justification needed to be given *to* free and equal citizens. The relation of mutual accountability, that is, holds among such citizens, and what they are mutually accountable for is the principles

³⁸ What needs to be kept in mind here, however, is that Rawls also insists that the political conception of justice and the citizens' comprehensive views must not "conflict too sharply" with each other. After all, the same agents hold both a comprehensive as well as a political view, and the political view is supported by an overlapping consensus of comprehensive views.

regulating the basic structure of society. In the global case, the situation is structurally parallel: justification needs to be given *to* co-owners of the Earth so that their status as co-owners is respected by the erection of the global order on commonly owned property. The mutual accountability at that level, that is, is one among co-owners of the earth, and what they are mutually accountable for in that case are principles governing what use they are making of the earth as a whole. In the domestic case, what individuals are jointly concerned with is what to do about the basic structure of their society; in the global case, it is what to do with the planet they own collectively. As in the domestic case, individuals in the global case will support views that emerge in this way from within their own comprehensive views, but the actual exercise of justification at the global level (as we have developed it above) is one of offering reasons to co-owners. So we do get a distinction between freestanding and comprehensive views.³⁹ Or to return to the blunt formulation: perhaps at the global level it *could* all be done in terms of comprehensive views alone, but that would be true for the domestic case as well – and in both cases there would then be one standpoint whose significance would not be properly acknowledged.

Another way of questioning the extent to which a method analogous to what Rawls does in PL can be applied in the way I suggest is to dispute that it is implicit in the global order that individuals are seen as property-holders in a manner parallel to how it is implicit in the public political culture of a democracy that individuals are seen as free and equal citizens. There is a disanalogy, so this objector might say, because one extra step is required in the case of the global order that is not required in the case of a democracy, namely, the application of an internal critique that licenses the inference from the claim

³⁹ Had I been talking about public reason throughout, one could here state this point in terms of a standpoint of global public reason that involves this sort of mutual accountability.

that “it is implicit in the global order that individuals are seen either as property holders by themselves or as parts of groups that hold property” to “it is implicit in the global order that individuals are seen as property holders.”

Rawls of course acknowledges that democracies contain all sorts of *associations*.⁴⁰ There could exist (and it is historically true that there have existed) forms of democracy in which individuals are not regarded as free and equal, and in which members of some of these associations are regarded as more entitled to power than others. (Think of democracies in which voting power depends on wealth; I am here ignoring the rather obvious problem that power is de facto unequally distributed even in democracies in which individuals are officially regarded as free and equal independently of any association they might belong to.) In cases like this it takes (and historically has taken) an internal critique of that particular form of government to proceed to a public political culture in which it is true that individuals are seen as free and equal. Such an internal critique (which, again, is an effort to secure the philosophically preferred reading of the given practices in light of the relevant considerations) would point out that differences in voting power turn on criteria that are irrelevant in light of other commitments contained in the respective political structures, just as the introduction of criteria that would lead to asymmetries among individuals in matters of the original ownership of the earth would be regarded as irrelevant in light of the fact that the resources of the earth are needed by everybody whereas their presence is nobody's accomplishment. So the reason why PL fails to resort to such a move is that there is no

⁴⁰ See PL, pp 40-43; Rawls (1999b), section 79.

need to do so in the sort of regimes with which most of its readers are familiar, not that there could not possibly be room for such a move at the domestic level.⁴¹

9. What I have said so far does not deliver a complete conception of human rights. What I have provided is the second component of a basis-driven conception (that basis itself). I have not discussed the other three components. Recall that the first component is an actual list of such rights; the third is a principle that generates it; the fourth is an account of who has to do what for the realization of those rights. I have set aside the fourth component, but how does what we have said about this basis constrain what we can say about the first and third component? The principle generating the list of rights emerges straightforwardly from the basis. We have already implicitly appealed to it: human rights are those rights that need to be in place for the very imposition of a state system not to undermine individuals' moral status as co-owners; those rights, that is, that neutralize the threat to the common ownership status that is specific to the imposition of states.

The principle that I have derived from the basis (common ownership) leads to a rather minimal set of human rights. Only those rights can be derived that are needed to neutralize the specific dangers imposed on the co-ownership status through the imposition of states. As far as the actual extension of this list is concerned, we can return to Rawls – an extension that, of course, he reaches within the confines of a different conception of human rights:

⁴¹ Rawls can be understood as arguing that, within decent societies, such internal critiques would be available and push them towards fully liberal societies; at any rate, he believes (LP, p 61f) that their evolution into liberal societies is more likely if they are treated “with due respect,” a respect that would create the space within which internal critiques could unfold.

First, there are human rights proper, illustrated by Article 3: “Everyone has a right to life, liberty, and security of person;” and by Article 5: “No one shall be subjected to torture or to cruel, degrading treatment or punishment.” Articles 3 to 18 may all be put under this heading of human rights proper, pending certain questions of interpretation. Second, there are human rights that are obvious implications of the first class of rights. The second class of rights covers the extreme cases described by the special convention on genocide (1948) and on apartheid (1973). (...) Of the other declarations, some seem more aptly described as stating liberal aspirations, such as Article 1 of the Universal Declaration of Human Rights of 1948: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” Others appear to presuppose specific kinds of institutions, such as the right to social security, in Article 22, and the right to equal pay for equal work, in Article 23. (Rawls (1999a), p 80, fn. 23)⁴²

It will be hard to draw a precise line between rights that are entailed by the principle developed here and those that are not, in the sense just explained. Lest one reads the standpoint developed here too narrowly, however, it should be kept in mind that, importantly, Rawls does (and I think plausibly) interpret the right to life in Article 3 in terms of “the means of subsistence and security” (Rawls (1999a), p 65)). But the main point is, again, that human rights are those rights that are needed to neutralize a particular form of danger that is caused by the state. Human rights, that is, are rights meant to protect individuals from the state. This standpoint will not deliver rights to basic services provided by the state, a right to work and to join trade unions, or a right to periodic holidays with pay, nor does it deliver rights that impose a certain structure on the government, in particular not a right to democracy.⁴³

One might object that, indeed far from leading to anything like a human right to democracy, my account does not *even* deliver the rights that Rawls refers to in the

⁴² See the appendix for articles 6 – 18 of the Universal Declaration.

⁴³ In words attributed to Dag Hammarskjöld, the third secretary-general of the UN, the UN “was not created to take humanity to heaven, but to save it from hell” (quoted in *Economist*, January 6, 2007, p 22). This, I think, is also a useful slogan to apply to how human rights ought to be seen.

passage just quoted. After all, it is possible for a state to make sure that individuals can exercise their ownership rights without granting them the sort of protection captured by, say, equality before the law and freedom of religion. However, in a scenario like that the state would in fact reserve for itself the sort of power with which it *could* interfere with the exercise of common ownership rights even though it does not actually do so. Yet the kind of protection that is supposed to be provided by human rights should be understood in a more robust sense, in a manner that is not satisfied if the state merely *happens* to refrain from interfering with individual ownership rights, but instead *is bound* not to interfere with them. The purpose of human rights is to curtail the power of the state accordingly, again, on the view defended here in order to make it possible for individuals to exercise their ownership rights.

Of course, it comes with the nature of what it is to be a state that the kind of power accumulated by the state can be abused to the detriment of individuals. The protection that rights can provide against this possibility is therefore limited. Nevertheless, making sure that individuals can exercise their ownership rights in light of the dangers posed by the imposition of the state system does require such constraints on the power of the state. This argument cannot dispose of the problem that arises in drawing a distinction between human rights that can be so derived and those that cannot, but I think it can show that a certain substantive range of such rights is needed to offer robust protection of the exercise of common ownership rights.⁴⁴ A problem of demarcation, at any rate, is likely to arise on any basis-driven or principle-driven conception of human rights.

⁴⁴ The robustness of the protection of individuals against state power is a feature emphasized by the Republican tradition in political thought; for a recent statement, see Pettit (1997).

Still, the list of rights that can be reproduced in this way remains small, and so one might ask, is this “a kind of philosophical subversion of the political aims of the Declaration’s framers” (Beitz (2003), p 37)? Even if so, I would not think of this as a serious objection (since mine is not a list-driven account), but clearly, the Universal Declaration contains rights that cannot be generated by this approach, any more than Rawls could see them emerge from his approach. But keep in mind that this approach thinks of human rights as rights held within a political structure, a structure that itself can, and did, through a political process adopt a larger set of rights than what is required by this approach. But those additional rights would get their legitimacy *through that process*; they would be binding on states not because they can be derived from common ownership rights as developed here, but because they have been adopted in such a way, which would make it more difficult to apply them to (and enforce them in) countries that have not participated in that process or have not otherwise endorsed such rights.

Appendix: Articles 6 – 18 of the Universal Declaration of Human Rights

Article 6. Everyone has the right to recognition everywhere as a person before the law. *Article 7.* All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. *Article 8:* Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. *Article 9.* No one shall be subjected to arbitrary arrest, detention or exile. *Article 10.* Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. *Article 11.* (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed. *Article 12.* No one shall be subjected to arbitrary interference with his

privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

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