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A Right to Work? A Right to Holidays with Pay? Labor Rights as Human Rights

Mathias Risse

John F. Kennedy School of Government – Harvard University

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A Right to Work? A Right to Leisure? Labor Rights as Human Rights

Mathias Risse

John F. Kennedy School of Government, Harvard University

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1. Are labor rights human rights?¹ They appear on the Universal Declaration, and are covered by the International Covenant on Economic, Social, and Cultural Rights. Moreover, in the 1993 Vienna Declaration, the United Nations insist that “[a]ll human rights are universal, indivisible and interdependent and interrelated” (Article 5). As far as the UN is concerned, labor rights are human rights, just as much as any other rights on the Declaration. Yet labor rights are the first to come up for criticism in philosophical inquiries about human rights, notoriously so Article 24, which talks about “rest and leisure”, “reasonable limitations of working hours”, and “periodic holidays with pay.”²

This study first tries to make it plausible why labor rights would appear on the list of human rights, and next articulates some philosophical objections to their presence there. The interesting question then is not how one could respond to the objections, but to explore what commitments one needs to make to answer our question in a comprehensive and philosophically satisfactory manner. Of course, the human rights movement that has become a visible part of international politics generally takes the Universal Declaration to be the meaning-fixing document for what counts as a human right. Yet in light of

¹ This paper has been prepared for the conference on Labor Rights and Globalization at Ramat Gan Law School, Israel, January 2008. Thanks for the audience there for useful discussion, as well as to Thomas Pogge, who was the commentator on that occasion.

² The word “notorious” itself makes appearances in this context. Buchanan (2004) – who sees human rights as necessary conditions for a minimally decent life – says that “[i]n some extreme cases, such as the notorious right to holidays with pay, it is pretty obvious that they are not necessary for a decent human life, though they may make for a better life for many people” (p 129). Hook (1980) thinks of the right to periodic holidays with pay as “mirth-producing” (p 92).

ongoing disputes about precisely what human rights should be taken to be all about a reference to the Declaration will not settle the matter.

To make progress, we can contrast the *idea* of human rights with *conceptions* of them. Such conceptions offer answers to a set of philosophical questions about such rights. It is rather unlikely for any such conception to emerge as the uniquely best account of human rights since disagreements among conceptions (each of which requires commitments to a range of issues) are complex. This point may not be too surprising:³ the idea of human rights is now ubiquitous, and given the use that is made of it, it should not be puzzling that philosophical questions about it have various answers, nor should it be surprising that not all sets of sensible answers deliver the full list of rights on the Declaration. Some such accounts register labor rights as human rights, others do not.

What is sensible to ask then is what a conception of human rights would have to be like to count labor rights as human rights, and whether there is such a conception. Assessing this is the next step, and I will offer a conception that does count labor rights as human rights, but that also allows for an internal articulation of the reservations about granting them this status. Asking the apparently straightforward question of whether labor rights should indeed be considered human rights takes us to the core of important conceptual questions about human rights.⁴

³ Still, this point goes against the gist of recent philosophical reflection on human rights, where the purpose has tended to be to develop the author's favored conception of human rights and such an idea of a plausible plurality of such conceptions was not made explicit.

⁴ Risse (forthcoming) offers a conception of human rights that derives them from a starting point of collective ownership of the earth. Human rights appear as membership rights in the global order. The idea is that human rights are associative rights that must be respected by political entities in order for their imposition to be justifiable to co-owners of the earth. These rights are allocated at the level of the global order because constraints on co-owners that need to be justified in this way are imposed by the global order per se, rather than merely by individual states or other political entities. As Risse (forthcoming) also argues, the list of such membership rights will be longer than what can be derived from that ownership standpoint,

2. At a conference in 1847, the Communist League decided to put together a formulation of its principles. Marx and Engels were asked to draw up such a formulation, and the result was the Communist Manifesto, published in 1848. The League was an international organization, and the Manifesto is concerned with problems of a global scope:

The bourgeoisie has through its exploitation of the world-market given a cosmopolitan character to production and consumption in every country. To the great chagrin of Reactionists, it has drawn from under the feet of industry the national ground on which it stood. All old-established national industries have been destroyed or are daily being destroyed. They are dislodged by new industries, whose introduction becomes a life-and-death question for all civilized nations by industries that no longer work up indigenous raw material, but raw material drawn from the remotest zones; industries whose products are consumed, not only at home, but in every quarter of the globe. (...) The bourgeoisie, by the rapid improvement of all instruments of production, by the immensely facilitated means of communication, draw all, even the most barbarian, nations into civilization. (McClennan, pp 248f)

Like these problems, any solutions would have to be of global scope: what is distinct about the communists is that “[i]n the national struggles of the proletarians of the different countries, they point out and bring to the front the common interests of the entire proletariat, independently of all nationality” (McClennan, p 255). The Manifesto concludes with the famous battle cry “Working Men of all Countries, Unite!”

The Manifesto is not concerned with rights. As Marx made clear in *On the Jewish Question*, the granting of rights would only cement a society in which individuals are kept from unfolding their true humanity, their “species-being.” The emancipation Marx seeks, instead, comes through changing the economic structure of society, a change that

given that there are other ways of deriving them. I also pointed out there that such a more extensive list will in particular draw on a collective process that occurred, or continues to occur, within the global order and that gives legitimacy to such additional rights. The conception of human rights offered here fleshes this out and is therefore supplementary to the discussion in Risse (forthcoming). See also Risse (forthcoming/1) for a systematic development of this approach to human rights as membership rights in the global order.

is supposed to bring about a communist society where individuals are not prevented from unfolding their species being by the granting of rights.⁵

Years later, in his *Critique of the Gotha Program*, Marx reiterates that he does not seek to realize certain rights. He dismisses that program for containing “nothing beyond the old democratic litany familiar to all; universal suffrage, direct legislation, popular rights, a people’s militia, etc” (McClennan, p 611). Instead, Marx says that in a

higher phase of communist society (...) after labor has become not only a means of life but life’s prime want; after the productive forces have also increased with the all-round development of the individual, and all the springs of co-operative wealth flow more abundantly – only then can the narrow horizon of bourgeois right be crossed in its entirety and society inscribe on its banners: from each according to his ability, to each according to his needs! (McClennan, p 615)

Other parts of the working class movement did not share Marx’s aversion to the language of rights, or his view that no acceptable emancipation could occur within the socio-economic confines of contemporary societies. The Gotha Program belonged to a unified German socialist party that oscillated between revolutionary and reformist orientation. Ultimately the reformist strand won. Political emancipation as captured by rights became central, and the social democrats became Germany’s biggest party. Internationally, the reformist movement advocated labor rights. Eventually, the Treaty of Versailles codified the concern for labor rights (rights regarding workers’ pay, benefits, working conditions, and the way in which those are negotiated) at the international level and founded the International Labor Organization (ILO) as a permanent organization involving governments, employers, and workers to coordinate progress on that front.⁶

⁵ The extent to which all this can be seen as concerns about justice has been a subject of much dispute.

⁶ On the history of the international labor movement prior to the ILO, see Follows (1951). See also Shotwell (1934) Regarding the question of why there is a ILO, Bartolomei de la Cruz et al. (1996) offer the following answer: “These demands [for international regulation to decrease the poverty in which the

To the extent that this development is indicative of the recognition given to labor rights, it is also indicative of the relative success of those parts of the labor movement that champion the language of rights as the language of emancipation over the goal of a classless society in which rights would not matter.⁷ The ILO was later incorporated into the United Nations, which itself endorsed labor rights in the 1948 Universal Declaration:

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

1. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.⁸

workers lived] had a humanitarian foundation, but industrialists and governments feared that they would lose out to competitors if they took unilateral protective action which would raise the cost of production in their own countries” (p 3). Morsink (1999), chapter 5, discusses the background to the labor-related articles in the Universal Declaration.

⁷ The Treaty mostly speaks of *standards* rather than *rights*, though the rights language is used as well, and the concerns are put in terms of justice, and the main principles of the ILO are still formulated in terms of standards. While this does matter, for our purpose the relevant contrast is between revolution and reform, and talk about both rights and standards has been part of the reform-directed vocabulary.

⁸ By way of comparison, Articles I and II of Part XIII of the Treaty of Versailles state the following: labor should not be regarded a mere commodity; right of association; payment of adequate wage to maintain reasonable standard of living; eight hour day or forty eight hour week; a weekly rest of at least 24 hours; no child labor; equal pay for equal work; equitable economic treatment of all workers in a country (immigrants as well as nationals); an inspection system to ensure the enforcement of the laws for worker protection As Alcock (1971) p. 36 says: “The workers of course realized that their attempt to defend their interests themselves had received a check, and their initial reaction was unenthusiastic” – there were various respects in which this regulation fell below what labor representation had demanded. (2) While it is Article 24 that is most often made fun of by skeptics of the view that labor rights should have the status of human rights, it might be the “right to work” in Article 23 (1) that seems most problematic, assuming it is read as an actual claim to work against the government, rather than, say, a liberty right of sorts. But this is not the only way of reading Article 23 (1). In its General Comment No. 18, adopted on November 24, 2005, the

These remarks on the history of the labor movement illustrate two points about the Declaration. First, the Declaration addresses concerns with regard to which in recent memory much had gone wrong. Second, to the extent that something had gone wrong, the solutions required international coordination. This is clear with regard to the articles that deal with civil and political rights as well as with judicial procedure, all of which had been disregarded by the Nazis. Those violations first occurred in their own country and were then committed at a larger scale in countries that were subsequently overrun. By mentioning peace in addition to justice and liberty in its preamble, the Declaration makes clear that, although the concerns addressed there typically have to be addressed within countries, they affect others too by jeopardizing the peace.⁹ This connection between justice and peace appears in the preamble of the ILO (see Mecklem (2005), p 616).

Mutatis mutandis, these points apply to Articles 23 and 24. The labor movement reacted to the pitiful working conditions caused by the industrial revolution. As the initial quotation from the Manifesto illustrates, there had been an international dimension to the causes of that state of affairs as well as to plausible remedies: *international* capitalism was perceived as the problem. Working conditions are affected by the conditions on the relevant markets. If these markets are international, so are the origins of those problems. Labor movements of the 19th century worried about what happened elsewhere partly out of class solidarity and even altruism, but also because working conditions elsewhere had an effect on what they could be at home. Better benefits and pay mean higher labor costs,

United Nations Economic and Social Council explicitly denies that this right should be understood as such a claim right. Note that these labor-related articles should be read in conjunction with Article 55 of the UN Charter, which, among other goals, commits the UN to the promotion of full employment.

⁹ One of the drafters of the Universal Declaration, Renée Cassin pointed out explicitly that “the precedent of Hitler had shown that the violation of human rights in a given country could in fact be preliminary to an attack upon the independence of other nations” (Morsink (1999), p 319).

and *other relevant things being equal*, higher costs entail a competitive disadvantage and make it harder for labor organization to obtain better conditions.¹⁰ On the side of governments and employers, a desire for coordination arose from fear of disorder as well as from the fear that lower labor standards elsewhere would undercut prices. The ILO arose from this amalgam of motives that by the end of the First World War had become so pressing that international regulation was necessary.¹¹

It is because the Declaration reacts to evils that occurred in recent memory and require an international solution that labor rights are sensibly part of that “common standard of achievement.” To use R. H. Tawney’s term, in our age most people live in “acquisitive societies,” or in societies that aim to become so, and all these societies are, one may say, acquisitively interconnected. Regulation of activities that make societies acquisitive surely has a claim to counting among common standards of achievement.¹²

¹⁰ The phrase in italics is meant to emphasize that there would be no such advantage if, say, higher wages reflect higher productivity.

¹¹ Morsink (1999), p 169, quotes the World Federation of Trade Unions as arguing that the war had been won in part because of “the active help of the working class and as a result of its sacrifices.” Moreover, assistance to trade unions in defeated countries had been a major factor “in the spread of democracy in the political, social, and economic domain.” They also added a reminder that unorganized labor can turn into a threat easily. Remarkable is that negotiations in 1919 did not lead to a general agreement on a principle of racial equality. Moreover, the principle of self-determination, so central to much of what was decided there, was applied only half-heartedly. So the sheer fact that a morally pressing point was made that was clearly in tune with sensibilities of the time was not sufficient to lead to effective regulation.

¹² Nickel (2007) makes a related point: “We can imagine a world in which economic problems have been solved, in which automation, centralized production, and free services make it unnecessary for most people to engage in economic activity except as consumers and householders. Perhaps in such a world most people will not have a jobs, or will work only part-time. If such a world were to emerge, and be reliable and sustainable, people would not need all the basic economic liberties. As I have emphasized, specific human rights are not timeless. They are closely related to the institutions and problems of particular eras. But we are still in a situation in which most adults need to make an economic contribution. Until a workless utopia arrives and provides reliable, there are strong reasons for insisting on basic economic liberties” (p 128f).

3. Yet although in historical perspective it is easy to motivate why labor rights would be on the Declaration, they are often seen as out of place there. To begin with, there is the sociological phenomenon that the labor movement and the human rights movement are detached from each other. As Leary says,

[w]orker's rights are human rights, yet the international human rights movement devotes little attention to the rights of workers. At the same time, trade unions and labor leaders rarely enlist the support of human rights groups for the defense of worker's rights. A regrettable paradox: the human rights movement and the labor movement run on tracks that are sometimes parallel and rarely meet. (p 22)

The labor movement was an internationally organized network with strong tendencies to social upheaval at a time when maintaining anything like that was very difficult. It was tied to trade unions and eventually unfolded political activities in socialist parties. The human rights movement arose from a range of historical developments, was at a crucial moment shaped by inter-governmental efforts, and is more broadly based in its concerns. To be sure, alongside the anti-slavery and the women's emancipation movement, the Red Cross and other humanitarian or emancipatory movements, the labor movement prepared the ground for the human rights movement,¹³ but was only one among these movements. Paradigmatic human rights organizations such as Amnesty International or Human Right Watch show little interest in labor rights.

Yet to the extent that human rights and labor rights stand in a difficult relationship this sociological side is not the most important aspect of it. What matters more for us is that labor rights have been subject to a good deal of doubt as far as their status *as* human rights is concerned. Moreover, when worries have been uttered about the status of human rights *as rights*, or more generally about the meaningfulness of human rights as an

¹³ See Lauren (2003), chapter 2.

intellectual proposal, labor rights often stand out. In what follows, we will first look at some of these concerns. It becomes clear then that the question of whether labor rights should be considered human rights requires methodological reflection. This reflection leads to a distinction between the idea or concept of human rights and philosophical conceptions of them. It also becomes clear that there is a variety of sensible conceptions of human rights. Asking whether labor rights are human rights then means asking what a conception of human rights has to be like for labor rights to register as human rights.

Let us take a look at some reasons why one would not want to think of labor rights as human rights. I limit myself to three objections I consider particularly important. These objections are that “labor rights are not of the right of urgency to be human rights,” that “labor rights are not really rights in the first place,” and that “labor rights are a belated version of Western imperialism.” I look at them in more detail than necessary to make the bare points behind these objections, to make clear how broadly based they are. Readers familiar with these objections may proceed to section 5.

The first concern is that labor rights are not of the right sort of *urgency*. Cranston (1973), for one, has philosophical and political worries about social and economic rights being human rights, including labor rights. The philosophical worry is that it does not make sense to think of them this way, whereas the political worry is that thinking of social and economic concerns in terms of human rights devalues the human rights language and thus might render it ineffective even when appropriate. Cranston offers several reasons why it does not make sense to think of social and economic rights as human rights, especially that they would not pass the test of “paramount importance” (p 67). It is “a paramount duty to relieve great distress, as it is not a paramount duty to give

pleasure.” He adds that it would be a “splendid thing” if, say, everybody had periodic holidays with pay, but it would not be as serious a deficiency if such rights were not realized than if civil and political rights were disregarded. This is the *Inferior-Urgency objection*. This objection does not deny *any* urgency to labor rights. The point is that among morally urgent issues one needs to draw distinctions. This view is not committed to regarding all civil and political rights as human rights, and might grant that a right of subsistence too is of paramount importance -- but not the rights in Articles 23 and 24.

This worry can assume different shapes. Bernard Williams, for instance, takes it that the clearest case of human rights violations are those that amount to “unmediated coercion” (Williams (2005), p 73). Avoiding such coercion is of paramount urgency because (a) providing security is, and (b) the design of political arrangements charged with that task is under the control of those people involved in them, in the minimal sense that unmediated coercion is not the sort of thing that could be considered a plainly natural calamity. Social and economic rights would not register as human rights because there are reasons other than the presence of unmediated coercion, including conditions beyond the control of the state, that might make it the case that they are not realized.

T. M. Scanlon, too, offers considerations that make clear why socio-economic rights are not of the same paramount importance as civil and political rights. While discussing relativism Scanlon considers the case of an alleged conflict between economic development and human rights. He points out that if there is a situation where “they” think that it makes sense for “them” to promote development over human rights, then a *prima facie* case is to be made that, internal to “them,” there is a conflict in which some people’s interests are not properly considered. Their rights actually might be disrespected

to such an extent that there is no “they” on whose behalf one can articulate anything.¹⁴

“Like many forms of relativism,” Scanlon writes,

this argument [i.e., one that agree with “them” on the standpoint that development matters more than human rights to “them”] rests on the attribution to ‘them’ of a unanimity that that does not in fact exist. (...) [T]he attribution of unanimity is particularly implausible in the case of human rights violations. These actions have victims who generally resent what is done to them and who would rarely concede that, because such behavior is common in their country, their tormentors are acting quite properly. But even if the victims did take the view that they have no rights against what is done to them, would this settle the issue? Couldn’t they be wrong in thinking this? (...) [W]hich is the more objectionable form of cultural superiority, to refuse to aid a victim on the ground that “they live like that – they don’t recognize rights as we know them,” or to attempt to protect the defenseless even when they themselves feel that suffering is their lot and they have no basis to complain of it? (p 119)

Do labor rights have a sort of relevance such that, if they are disrespected, it will be implausible to attribute to the respective population enough unanimity for it to make sense for somebody to speak on their behalf and justify why conditions are not such that labor rights can be granted? It appears there may be such unanimity although labor rights are absent – at any rate, this would be much more plausible than to speak of such unanimity in cases of widespread violations of civil and political rights.

4. The second concern is the *Nature-of-Rights objection*. Regardless of how we think of the moral urgency of the issues captured by labor rights, there is little point in thinking

¹⁴ A good illustration for this point comes from a debate about human rights in China. In response to the charge of human rights violations, the Chinese government issued a “White Paper on Human Rights in China” (see Information Office of the State Council (1991)) that argued that a right to subsistence is prior to other human rights, and that appropriate steps towards realizing that right might have to come at the expense of those other rights. In response, Hu Ping (1998), for one, argued that a right to free speech would be more important even than that because otherwise the population has no way of articulating if things go badly wrong: “To be sure, freedom of speech cannot be eaten, but when you meet with natural and man-made disasters, and specially when due to the government’s mistaken policy you have no food to eat, if you cannot then raise a call of warning to make society aware of it, and receive the masses’ support in order to make the government correct its mistakes, you will not be able to change your own plight” (p 434).

about them in terms of *rights* in the first place. Talking about a right to something is not just saying that it would be a “splendid thing” (Cranston) if it were the case, but involves somebody as an addressee against whom a certain advantage is held. This addressee does not have to be a particular person; rights might well be held against institutions. Still, there has to be an identifiable addressee about whom it makes sense to say that this addressee’s connection to the holder is of the relevant sort.

Williams (2005) brings out this worry specifically for labor rights:

[T]here is another kind of disagreement, in which nobody doubts that having or doing the thing in question is good: the question is whether people have a *right* in the matter. This above all arises with so-called positive rights, such as the right to work. Declarations of human rights standardly proclaim rights of this kind, but there is a problem with them. Nobody doubts that having the opportunity to work is a good thing, or that unemployment is an evil. But does it mean that people have a right to work? The problem is: against whom is the right held? Who violates it if it not observed? (...) [E]ven if governments accept some responsibility for levels of employment, it may not be possible for them to provide or generate work, and if they fail to do so, it is not clear that the best thing to say is that the rights of the unemployed have been violated. I think that it may be unfortunate that declarations of human rights have, though for understandable reasons, included supposed rights of this kind. Since in many cases governments cannot actually deliver what their peoples are said to have a right to, this encourages the idea that human rights represent merely aspirations, that they signal goods and opportunities which, as a matter of urgency, should be provided if it is possible. But that is not the shape of a right. If people have a right to something, then someone does wrong who denies it to them. (p 64)

Cranston (1973), too, articulates such a worry, specifically with regard to paid holidays:

At present it is utterly impossible, and will be for a long time yet, to provide ‘holidays with pay’ for everybody in the world. For millions of people who live in those parts of Asia, Africa, and South America where industrialization has hardly begun, such claims are vain and idle. (p 66)

It is not simply a matter of legislation for governments to guarantee social and economic rights. (This may also be true of civil and political rights, but that is beside the point now.) According to this worry human rights are rights of universal validity. Under any set

of circumstances (at any rate, whenever the sort of agent who tends to be the addressee is present, primarily governments and other organizations or individuals in positions of authority) any given right is held vis-à-vis some addressee. However, in the case of social and economic rights this seems at best unhelpful under certain conditions.

In the background is the appeal that somebody can be addressee of a right only if within reasonable limits it was up to that person to determine whether the right is realized. What counts as “reasonable limits” must be broadly construed: the force of rights depends on there not being ready excuses for failures to realize the right. But if it is physically, biologically, or perhaps in terms of the functioning of economies out of the agent’s reach to act in that way (rather than merely being against her interests, or in need of a strong effort), this will not show that the agent fails to act as she should, but that she cannot be the addressee of such a right. The realization of labor rights is not always within reach, according to this objection, presumably with an appeal to the functioning of economies, and in the case of very poor countries even to sheer physical impossibility.

A third and final concern is a *Cultural-Imperialism* objection. I am not mostly interested in the general worry that there is no other account of human rights than cultural imperialism. That worry has been fueled by two perceptions: first, that rights are grounded in distinctly Western metaphysical and ethical constructions (e.g., Western forms of natural law, Christianity, Kantian ethics), and second, that there is a fundamental (rather than occasional) conflict between rights and the common good. Both views, however, are untenable, and recognizing this means going a long way towards not seeing human rights as expressions of cultural imperialism.¹⁵ At any rate, I am interested

¹⁵ For an understanding of rights that would not fall prey to any such worries, see for instance Scanlon (1978). On the point regarding the relationship between rights and the common good consider a passage

in a more specific version of the Cultural-Imperialism worry, which insists that counting labor rights as human rights expresses such imperialism. This is not a fully independent concern: if both earlier concerns can be addressed, there will be no need to look for an alternative account of why one would want to consider labor rights human rights.

Western societies went through a certain development, including industrialization with its accompanying history of labor relations. The Treaty of Versailles is a milestone in the history of the labor movement. This history involved much altruism and solidarity, but the major countries involved in it also had gone through similar trajectories and had similar problems. As Macklem (2002) explains,

Although they aspire to the level of universal principle, many of the recommendations and conventions promulgated by the ILO speak most directly to the industrial histories of those states responsible for their formulation. When these states participated in the formation of the ILO, mass production was the dominant form of productive relations and the main object of their attention. The era of mass production was a period of rising unionism, standardized employment relations, direct state involvement in a wide range of economic activities, and various forms of social corporatism. (p 617)

In light of this, labor rights are a coordination device ensuring every country abides by some basic norms so that nobody obtains an advantage from violating them (see Macklem (2005)). Labor norms were accepted by the League of Nations although it refused to endorse racial equality. This indicates that one should not overemphasize moral motives for the adoption of labor standards. At any rate, it seems unreasonable to

from Raz (1994): “The right of free expression is among the foundation stones of all political democracies. [It] serves to protect the interest of those who have it and who may wish to use it to express their views. It also serves the interest of all those who have an interest in acquiring information from others. But here again the right serves the interest of those who are neither speakers nor listeners. Everyone who lives in a democracy is affected by the fact that this is a society enjoying a free exchange of information. One may go one step further. If I were to choose between living in a society which enjoys freedom of expression, but not having the right myself, or enjoying the right in a society which does not have it, I would have no hesitation in judging that my own personal interest is better served by opting for the first option.”

count labor rights among “common standards of achievement” applicable to countries that have evolved differently.

One way of arguing why such inclusion would be unreasonable may be in terms of “fit:” asking of developing countries to adopt certain social and economic standards before their own trajectory has taken them there means asking them to endorse norms that do not fit with their state of development. But I would like to set this aside and articulate a different version of the Cultural-Imperialism worry. Recall the Pauper Labor argument. The Pauper Labor argument is sometimes used by organized labor to complain about “social dumping,” the ability of developing countries to produce goods at lower costs because they are operating under poor working conditions. The Pauper Labor argument urges governments of developed countries to support their industries against such “dumping,” through import limitations or subsidies. To the extent that this argument is successfully driven by a moral claim it would have to be because it makes sense, first, to find producers abroad deficient with regard to labor standards, and second, to hold one’s own government accountable for the alleged damage to domestic industries.

If indeed governmental support is forthcoming on such grounds, the competitive situation of producers abroad will worsen. Those producers could say: “First you Western countries are pressing standards upon us that have arise from your development rather than ours, and then you are worsening our competitive situation if we fail along these lines by supporting your own industries more than you otherwise would anyway.” One might say then that human rights, especially labor rights, operate like “standards of civilization” that define the conditions under which other societies are permitted to reap

the advantages of good relations with Western powers.¹⁶ Again, this worry has no independent standing if one can give a successful account of why labor rights *should* be considered human rights and apply globally, but to the extent that such accounts are in doubt, this argument offers an alternative explanation as to why certain interest groups would insist on counting labor rights as human rights and express a worry about doing so.

5. These objections show how broadly-based intellectual resistance is to considering labor right human rights. The challenge is to reflect on the commitments involved in views about whether labor rights are human rights. To this end, I will contrast the *idea* of human rights with *conceptions* of them. We will see that there is not plausibly going to be a single most compelling conception. In a next step we will ask what a conception of human rights must be like for labor rights to register as human rights. At that stage we will return to these objections.

Human rights language has become the most common language of emancipation. When organized power is criticized for harming those whom it ought to benefit, appeals to human rights tend to be used, rather than the language of Marxism, critical theory, modernization theory, dependency theory, as well as other decidedly moral languages, like the language of justice or a plain language of rights and duties as opposed to “human” rights. It is disputed whether this success is merely one of launching a new language (with accompanying possibilities for make-believe and deception), or whether discernible effects on people’s lives are tied to it.¹⁷

¹⁶ See Goldsmith and Posner (2005), chapter 4.

¹⁷ For some recent work on the impact of human rights (and the articulation of skepticism regarding their efficacy), see Hathaway (2002) and Hafner-Burton and Tsutsui (2007). See also Rabkin (2005), chapter 7.

Human rights are rights that are invariant with respect to local conventions, institutions, culture, or religion. To formulate a demand in terms of them means the issue at hand is not merely worth having, but that there is a stringent demand that the problem be solved. Using the human rights language also appeals to empathy: the issue would be harmful to ourselves too if we were affected, and concerns us all though some may be in a better position than others to do something about it. (I surmise the empathy-creating effect of “human” rights talk is to some degree responsible for the success of human rights language.) The focus of this language is on abuses committed by those in positions of authority: of two otherwise identical acts one may be a human rights violation but not the other, depending on whether they can be interpreted as abusing authority.¹⁸

Cohen (2006) proposes that human rights have three features: they are universal and being owed by every political society to everybody; they are requirements of political morality whose force does not depend on their expression in enforceable law; and they are especially urgent requirements. Any more particular account of human rights, says Cohen, would have to meet these constraints, as well as two methodological assumptions: fidelity to the major human rights documents, so that at least a substantial range of these rights is accounted for; and open-endedness: we can argue in support of additional rights.

¹⁸ The point that human rights claims are made against people in positions of authority is captured well by Pogge (2002), who says that “[h]uman 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) If stated like this, this point is controversial, and the reference to the violent husband points to one difficulty: what if violence against women is of a structural nature? In response, I think the idea that human rights violations are committed by people in positions of authority must be understood broadly enough to include even whole gender groups under suitable circumstances. Pogge (2002) also acknowledges this sort of objection, saying that “human rights are, then, moral claims on the organization of one’s society” (p 64).

These criteria – which I agree do characterize the concept of human rights -- are non-committal with regard to a range of philosophical questions about human rights. Accepting them does not imply that human rights should be understood as protecting essential features of personhood.¹⁹ That is one way of adding more detail. A different one is to think of “human” rights as rights individuals hold qua members of the global and political order that ipso facto, but contingently, includes *everybody*. These approaches would give rise to rather different views on human rights, and differ in particular on how they would interpret the criterion of universality. The intuition behind the former approach is that something essentially human ought to be protected through rights, whereas the intuition behind the second approach is that all human beings now live under conditions that require certain rights for their justifiability.

Answers to a range of questions philosophers ask about human rights are offered not by the idea of human rights per se – which is too unspecific to provide them -- but by a *conception* of human rights. Such a conception consists of four elements: First, an actual list of rights classified as human rights; second, an account of the basis on which individuals have them (an account of what features turn individuals into rights holders); third, an account of why that list has that particular composition, that is, a principle or a process that generates it; and fourth, an account of who has to do what to realize these rights, that is, an account of corresponding obligations.

¹⁹ This is Griffin’s view: “A human right is one that a person has, not in virtue of any special status of relation to others, but simply in virtue of being human. That much is agreed. But to apply the term ‘human rights,’ we have to be able to tell what rights we have simply in virtue of being human, and there is little agreement about the relevant sense of ‘human’” (Griffin (2002), p 2). Later he says that human rights can be seen as “protections of our agency” – “what one might call our personhood” (p 4). His picture is of a “self-determiner” “who within limits is not blocked from pursuing her vision of a worthwhile life. For related statements, see Buchanan (2004), p 121f and Wellman (1982), p 181.

A conception of human rights offers answers to questions such as: “Is there a basis, a set of features of human beings, on which such rights are grounded?;” or “What is the function that human rights have in the global order, and to what extent does this help define what human rights are?;” or “Can the list of human rights that we find in the standard documents be derived from a certain principle?” or “What should be done about human rights violations, and who ought to do it?” Any full-fledged conception would offer answers to all of these questions, and would also make clear both why such a conception is worth having and why the language of rights is appropriately used here.

It is implausible that there will be a single most convincing set of answers to such questions and thus a single most plausible conception of human rights. An actual proof of this thesis requires an examination of all *prima facie* plausible such conceptions, which I cannot offer. Let me say just enough to render the thesis plausible. I do so by illustrating what different conceptions there are. Conceptions of human rights will often take as their starting point a stance on one of the first three components and add the others in a plausible manner, which may be trivial (if the basis readily determines what these rights are, say), or may require argumentative work.²⁰ These components are logically tied, whereas the fourth raises rather different questions. With which component one chooses to begin, and how this choice shapes one’s account, depends on what one thinks one can defensibly claim about human rights. I call conceptions that start with a list of rights *list-driven*, those that start with some specification of the basis on which they are held *basis-*

²⁰ “Will often.” Nothing turns on this classification being shown to be exhaustive, or on the claim that any conceivable view on human rights can be accommodated. (There might well be conceptions of human rights that are not “driven” by any one particular component; and the work of Onora O’Neill might be understood as promoting a responsibility-driven conception of human rights, see O’Neill (1986).) 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.

driven, and those that so use some principle generating a list as *principle-driven*. (All that is meant by “principle-driven” is that such a conception is guided by some idea of what ought to be on the list of human rights other than the specification of a basis; the primary example is a specification of their function in international politics.) Let us look at some conceptions to illuminate 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’ (2001) 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 idea of rights that can always be claimed by any human being. (Beitz (2004), quoted from Simmons (2001), p 185)

What renders 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 (2004), p 196). Examples are accounts using a Kantian conception of personhood, a logic of moral agency, claims of self-ownership or need and views that base human rights on religion. Being basis-driven, orthodox accounts begin with the second component (that basis), which leads to the third (a principle generating the 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 a plausible conception. The first and third components then have a logically secondary status. That is not to say that the first component always uniquely fixes the list of rights. 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 may help generate the list. But it can only be in 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 a 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 never be done to human beings, without offering reasons for it. One will take such a stance if one thinks such convictions are more secure than anything that might 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) and Cohen (2004) do, or on membership in the global order, as I do.²¹ Basis-driven conceptions differ widely.

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 ought to be the *function* of human rights in the global order. Thereby we generate a list, thus adding the first component. This is a principle-driven conception. Beitz interprets Rawls (1999) along such lines, the relevant function being 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

²¹ 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 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.

providing the basis on which rights are ascribed. 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 rights (such as their purpose in the global order) can be made with more certainty than claims about possible bases.²²

To move on to list-driven accounts, consider Rorty's (1998) "sentimentalist" conception. Rorty dismisses reflections of the basis on which rights are ascribed, arguing "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, saying only that the emergence of a human rights culture owes "everything to hearing sad and sentimental stories" (p 118). The list of rights has emerged through a process of broadening compassion. He thinks that "progress of sentiments" has been enormous in the last two hundred 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. He considers the second and third component dispensable because neither contributes to explaining why we endorse human rights.

6. So far I have not yet said anything about the fourth component of a conception of human rights, an account of who has to do what to realize them. Any conception will have to say something about whether (and when) outsiders are permitted or required to

²² Bases specify features of individuals in virtue of which human rights are held. In any basis-driven account, that basis will also ipso facto give rise to a principle that generates the list, but there can be principle-driven accounts that do not make use of any basis at all (e.g., Rorty's account, discussed in the next paragraph), or that consider the principle, rather than any basis, as authoritative for what human rights are (e.g., Beitz's account).

interfere when human rights are violated. Often, ideas about who ought to do what to realize human rights are taken to constrain what other ideas about them (what other components of a conception of human rights) are plausible, and it will for now be only in that respect that I discuss this fourth component.

To illustrate, consider Cohen's (2004) case for the view that human rights are a proper subset of liberal rights. A crucial move is that human rights are telling us when to interfere. Cohen notices that interference should only occur when people are no longer obligated to obey their laws. But not any shortfall of justice relieves people of a duty of compliance with the laws of their country; the shortfall has to be considerable. Thus human rights – on this view, tied to interference – are a proper subset of liberal rights. Yet one may take a different stance on the connection between human rights and interference. One may think violations make a *prima facie* case for appropriate intervention, but there might be competing reasons so that, on balance, one should *set aside* intervention. Enforcement is sometimes set aside at the domestic level too. Police do not tend to enforce laws if this would endanger bystanders. At the international level there will often be reasons to set aside interventions, partly because of the risks involved (notably with regard to military intervention), but also because of competing values such as self-determination. On such a view of the connection between human rights and intervention, Cohen's argument for human rights being a subset of liberal rights fails.

One might have thought this connection creates a meta-constraint on what conceptions of human rights are plausible. But once we see this distinction between “not intervening to enforce an alleged right because it is not a right” and “not intervening to enforce an alleged right because there are other considerations in light of which

enforcement has to be set aside,” we see that this fourth component imposes no such constraint. Different stances on that matter could be taken to create the greatest coherence with the choice of the remaining components.

Enough has been said to render it incredible that there would be a single most plausible conception of human rights, one that offers a set of answers to questions about them that is philosophically superior to any other such set. A proof of this view requires a careful look at different conceptions to assess which ones can withstand scrutiny, but crucially, coherent responses to the questions a conception of human rights answers will be supportive of each other, with disagreements between conceptions occurring along different dimensions. Alongside Griffin one might adopt a basis-driven conception, choosing as its basis considerations of agency. This would arguably deliver a relatively small list. Violations would then often register as egregious, and one can argue that egregious violations should trigger appropriate intervention. Or one can adopt a conception that leads to a longer list of rights and avoid implausibility by arguing that they are less tightly linked to enforcement.

7. What does a conception of human rights have to be like to deliver labor rights as human rights? It would have to be a conception that, first of all, meets the objections above. A sensible way to do so is to acknowledge a valid point behind each of them. As far as the Non-Urgency objection is concerned, one should grant that labor rights are not of “paramount importance.” So a conception that considers labor rights human rights should deliver a list that does not *only* include rights of “paramount importance,” which is not per se problematic since there is no conclusive ex ante reason to limit the set of

rights generated by a plausible conception to those of *greatest* urgency. As far as the Nature-of-Rights objection is concerned, one needs to concede that somebody can be the addressee of a right only if within reasonable limits it was up to that addressee whether the right is realized. Dropping that connection would be to lose grip of rights talk. But we would not undermine that connection too far if we were to say that, for rights that do not currently have an addressee, certain agents are obligated to help bring about conditions under which there is one. As I said, the Cultural-Imperialism objection needs to be addressed only absent good replies to the other objections. (However, I will return to this objection briefly at the very end.)

Let me sketch a conception that registers labor rights as human rights and responds to the objections along these lines. That conception is basis-driven, the basis being *membership in the global political and economic order*. What is meant by the global order is the system of states that covers most of the land masses of the earth as well as the network of organizations that, while not constituting an actual government, provides for what has come to be called “global governance.” Our current global order 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 (IMF, World Bank, later the GATT/WTO) provide a cooperative network intended to prevent wars and foster worldwide economic betterment. These institutions, jointly with the more powerful states acting alone or in concert, shape the economic order.

More could be said, but clearly it makes sense to talk about a *global order* that includes but is not reducible to actions of states; has arisen through a history of interferences; has eventually generated political and economic institutions charged with global problem-solving; and continues to evolve. For our purposes, two things matter. First of all, the major actors within this system are *interconnected*, influencing and even shaping each other's trajectory through political and economic interactions as well as through legal, cultural, and other channels. The sheer fact that now most of the land masses of the earth are indeed governed by states, rather than other possible and historically existent political structures, strikingly testifies to such influence. Moreover, nowadays incentives and prospects of governments, companies and other agents are shaped by events and decisions elsewhere. This is true also of large powers, as shown by the extent to which US foreign policy has recently been guided by fear of terrorism.

What matters, second, is that there is a point to speaking of "membership rights" in this order. Being a member of that order means to live on the territory covered by it and to be subject to those bits of this interlocking system of jurisdictions that apply to one's situation. (Crucially, nothing more is meant by "membership.") By now all human beings are members in this sense. For there to be enough structure to the global order to render that very term applicable, and an accompanying capacity for coordinated action, is a condition for the existence of rights held within that order. And, indeed, there is enough such structure because of the existence of organizations that are designed for and in fact do concern themselves with global problem-solving. Think of the population of the world as being contained in one large set, and of the global order as captured by relations among members of that set. All citizens of a given country stand in one such relation; all

persons whose countries are in the WTO in another, etc. Membership rights in this order will be rights individuals hold qua members of this set with those structures imposed on, where these internal differentiations matter when it comes to responsibilities.²³

Thinking of human rights as such membership rights means thinking of them in terms of *associative* rights – rights held because individuals live under a regime where prospects are not only determined by the state in which they live, but to a degree that varies with their life situation by other states and other entities (where we need not commit ourselves to a view on precisely what those are). What we encountered earlier as “orthodox” conceptions of human rights is concerned with making sure an account of human rights does not appeal to contingencies other than laws of nature, general facts about human nature, or the fact that certain beings are human. A conception of human rights in terms of membership in the global order helps itself more freely to contingent facts, namely facts about that order and how individuals fare in it.

The defining feature of human rights on this view is that they are important moral demands against authority as it applies to individuals in their immediate environment that are at the same time also *matters of urgent global concern*. This conception can accommodate a range of reasons why certain matters should concern the world as a whole, a broader range than the idea that human rights are what is needed to protect one’s

²³ One worry that might arise here is that such rights will not in fact apply to everybody. (What of North Korea?) This is a crucial point because if such membership rights would not apply to everybody currently living on this planet, there would be no point in thinking of such rights as providing a conception of human rights. Note two things. First, membership itself, as explained above, does not depend on the participation of one’s country in political and economic activities of the global order. The existence of organizations of global reach is important only to fend off the objection that there is not enough structure to render talk of membership rights meaningful. Second, more importantly, the task of establishing whether membership rights hold for everybody falls to the discussion of the different grounds on which membership rights can be held. Rights that can be derived from the collective ownership standpoint do apply to everybody. Others may not, though, and we will discuss this more below.

humanity, personhood, or agency. To argue that X is a human right, what is required in a first, preliminary step is that X be shown to be a matter of urgency in the affected agents' immediate environment, and then, second, that a genuinely global concern can be established. (It is hard to imagine that anything could be of global concern for which that first step could not be taken, but what is constitutive of X's being a human right on this view is the second.)

A conception that understands human rights as membership rights in the global order must be distinguished from Cohen's (2006; 2004) conception in terms of membership rights in a political society. Cohen's notion of membership is that

a person's good is to be taken into account by the political society's basic institutions: to be treated as a member is to have one's good given due consideration, both in the processes of arriving at authoritative collective decisions and in the content of those decisions (Cohen (2006), p 237 f).

Human rights then are rights individuals hold in their respective communities to ensure inclusion. On the conception I defend rights that ensure inclusion in political communities turn out to be among those that are the global order's responsibility, but this is so via an additional argument. For individuals everywhere to have a claim to something vis-à-vis their respective community is not per se sufficient for this to be a claim of urgent global concern, in the sense that violations somewhere should be of serious concern to people everywhere or to global institutions. The difference between these two kinds of membership captures an ambiguity that permeates human rights talk, namely, whether such rights in the first instance apply to each individual, or else are of global relevance. If one endorses the first stance, the question becomes why others far

away should care; if one endorses the second, the question becomes how much of what is of fundamental importance to individuals can be incorporated.²⁴

8. In a next step we must distinguish among various grounds on which membership rights are generated. Before discussing this subject systematically, I introduce one such ground separately. This ground will play no role in what follows because labor rights cannot be derived from it. Yet not only has reflection on that particular ground led me to this conception in the first place, but it should also be present to the reader to create a fuller understanding of this conception.

What I mean is the standpoint of collective ownership of the earth. Ideas about collective ownership matter for thinking about membership rights in the global order because that order is erected on collectively owned space. Modern political thought was preoccupied with this standpoint when justifications for European expansion were needed at times when tight religious unity no longer provided them. Grotius' *De Jure Belli ac Pacis*, for instance, is an account of what properly belongs to individuals and peoples and what they may do to claim or protect it, where one of the starting points (one that would not depend on details of religious outlooks available to his audience) is the idea that the earth belongs to humankind collectively. While Grotius takes the biblical standpoint of the earth as a divine gift, like Locke he held that this view should be acceptable even if humankind had never received that revelation.

²⁴ Does this entail that people did not have any human rights before the Universal Declaration was passed? It does not if the point of the question is whether they had any of the rights that appear on the Declaration. The goal here is to account for a list of rights that are considered to be *of common concern*. All rights on such a list could come to have that status only because they have always been of concern within more limited contexts respectively, certainly within states and other contexts in which authority is exercised. So individuals did have those rights before. But they did not have them in virtue of being members of a global order, and they did not have them in a manner that made them a global concern.

And indeed, the view that the earth originally belongs to humankind collectively remains plausible without religious input. Two points are obvious enough: first, the resources of the earth are valuable and necessary for any human activities to unfold; and second, those resources have come into existence without human interference. These points must be considered when individual accomplishments are used to justify property rights strong enough to determine use across generations.²⁵ *Egalitarian Ownership* is the view that the earth originally belongs to humankind collectively, in the sense that all humans, no matter when and where they are born, must have *some* sort of symmetrical claim to them. (“Original” ownership does not connote with time but is a moral status.) I assert that this is the most plausible view of the ownership of natural resources. *Egalitarian Ownership* is detached from the complex set of rights and duties civil law delineates under the heading of property law (Honore (1961)). At this level of abstraction from conventions and codes that themselves have to be assessed in relation to views on original ownership all *Egalitarian Ownership* states is that all humans have a symmetrical claim to original resources.

At the next stage, more specific *conceptions* of *Egalitarian Ownership* would have to be assessed (which, however, is not necessary for our purposes), where plausible contenders must explicate that idea of symmetrical claims and thereby spell out precisely what entitlements individual co-owners have. Only if in light of the philosophically preferred conception of *Egalitarian Ownership* exclusionary political structures can be justified in which something like a civil law is available can we discuss property under the more constraining conditions of political associations.

²⁵ There is an enormous literature on the foundations of property; see Becker (1977) and Reeve (1986) for overviews.

One may say that the term “ownership” is misleading here, but I use it since there is this connection to the familiar, thicker notions of ownership in civil law; and we are, after all, concerned with what sorts of claims individuals have to resources. The considerations motivating Egalitarian Ownership speak to raw materials only, 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 wrested from the sea, or for natural gas that can be harnessed from garbage deposits. But by and large, we understand well enough the idea of what exists without human interference.²⁶

States may themselves adopt vastly different systems of ownership, explicating what forms of control, benefits from ownership, transfers, or possibilities of exclusion owners may have, as well as different ideas about who can own what and how. Also, some states have insecure property rights, are unable to enforce what rights there are, or control access to their territory. And there may be indigenous people who reject notions of ownership altogether. Nevertheless, since any two individuals occupy a symmetrical status with regard to original resources, Egalitarian Ownership formulates a standing demand on all groups that occupy parts of the earth to do so in a manner that respects this symmetrical status of individuals with regard to resources.

That Egalitarian Ownership operates in this way should be intelligible and acceptable even within cultures where individuals are not seen as property owners, if the

²⁶ A difficult question is under what conditions man-made products, including improvements of original resources, should no longer be accompanied by special entitlements of those who made them or their offspring. See Blake and Risse (forthcoming) for discussion. One may object that, while it makes sense to ask about original ownership, 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.

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 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 members even if they do not treat individuals themselves as property holders, and at any rate, the particular features of the relevant cultures might provide reasons for setting aside the enforcement of any claims that might follow from Egalitarian Ownership. At the same time, this stance makes room for the thought that even such cultures must indeed be acceptable to those who live in them especially because all individuals have symmetrical claims to original resources, no matter how precisely we understand such acceptability.

The imposition of a state system (regardless of its moral virtues or prudential advantages) generates two problems for co-owners: it exposes them to the ex ante risks and ex post reality of finding themselves in conditions where their moral status as co-owners can be exercised at most in rudimentary ways if at all; and it allows them only limited exit options (if any) if they find themselves with an abusive government. In virtue of the concentrations of power that it includes, a state system readily has the power to violate the rights of co-owners, both by undermining their opportunities to satisfy their basic needs and by impeding their ability to relocate. The relevant arrangement to which individuals are subject in this case is not merely the state in which they live, but the global order as a whole. Each state, in virtue of its immediate access to individuals' body and assets, might deprive them of such opportunities, but so, crucially, might other states by refusing them entry if they cannot satisfy their basic needs where they live.

This view as developed does not presuppose that individuals “participate” in the global order. Even secluded tribes possess human rights. They are co-owners of the earth and are constrained by the imposition of the state system even if they do not actually feel the constraints. In the case of such tribes there presumably are unusually strong reasons to set aside enforcement of human rights.

This now takes us to human rights as membership rights in the global order. One ground on which such rights are generated is indeed this standpoint of collective ownership. The original ownership rights are natural, pre-institutional rights. Once institutions are founded, guarantees must be given to co-owners that institutional power will not be used to violate their status. Since such a violation is threatened by the global order as a whole (as explained), such guarantees take on the form of moral demands against the global order, and thus of associational (membership) rights within it. Responsibilities that arise here must be allocated at the level of the state system per se, as collective responsibilities, rather than resting exclusively with individual states and then only with regard to their members.

The connection between the standpoint of collective ownership and membership rights might be even more counter-intuitive at first than the connection between global membership rights and human rights, but it has considerable theoretical virtues: it grounds rights in extremely plausible and simple starting points; it can readily explain why the language of rights (rather than values or goals) is applicable here; it can also readily explain why there is global relevance to these rights; and it gives rise to rights

that, in our world, everybody possesses. This last claim is contingent because it depends on features of a contingent but also relatively abiding global order.²⁷

9. I have summed up the collective ownership approach here although, again, it does not lead to labor rights. But unlike the other grounds we are about to distinguish, this ground readily applies to everybody and thus leads to a set of membership rights that do as well. This is an important feature of this account regardless of its implications for labor rights.

Let me now treat more systematically the grounds that generate a list of common concerns, and thus a list of membership rights in the global order. We can distinguish here between *substantive* and *procedural* grounds. As far as substantive grounds are concerned, one can argue in at least three ways that something should be of global concern. First, one might argue that this is so on grounds of *mutual enlightened self-interest*. For example, it may be necessary or conducive for the preservation of peace that authority is exercised in certain ways, based on the idea that unchecked governmental authority will also be abusive vis-à-vis others, or create negative externalities (refugees, etc).²⁸ Second, one may argue that something is of global concern because there is a shared causal responsibility for the matter at hand that arises out of global

²⁷ Risse (forthcoming) and (forthcoming/1) develop all this in much more detail and explain what rights can be derived from the standpoint of collective ownership and thereby also explain why labor rights are among those that cannot be derived.

²⁸ To expand on this: Enlightened self-interest acknowledges that collapsing states spread refugees, involve others in domestic conflicts, or undermine regional stability; that national financial crises are internationally transmitted; that drug-trafficking, illegal immigration, arms trade, trafficking in women, money-laundering, international terrorism, or joint ventures combining several of these must be fought globally; that disease control is a global problem as much as the creation of a sustainable environment, since, say, damage to the ozone layer is damage done to us all; that development delivers gains from trade, from cooperation in science, culture, business, and tourism. Troubled states are a global liability. Recall that concerns for peace have been a guiding theme in the formation of international organs, as well as accompanying charters, declarations, and treaties.

interconnectedness. In support of this one may refer to the considerations above to illustrate global interconnectedness in the first place.

A third substantive ground, a collective category, involves moral considerations that do not turn on interconnectedness. (The ownership standpoint could be enlisted here as well, but we have discussed it separately.) Such considerations include appeals to a natural duty of aid (which of course would have to be acknowledged independently and does not turn on particular features of the global order, and which is therefore listed here only to make explicit that it is indeed also acknowledged), as well as possible duties of rectification (where it would have to be shown that the global order per se owes the rectification, a project that Pogge (2002) undertakes).²⁹ In each case it will be crucial that a moral argument delivers the conclusion that something is of urgent global concern: that it can be shown that there is global support for the relevant sort of proposal, either in the sense that a reasonable interpretation of major moral outlooks backs it or because a case can be made that the respective considerations are so compelling that the case succeeds regardless of whether there is such a reasonable understanding of different moralities that supports the proposal.

These grounds apply generally and specifically. What we can derive from them is, first, the need for a list of common concerns (because these grounds establish that there *are* such concerns). Secondly, these grounds also can be used to argue that specific rights should be on that list. To make a case for something's being a human right by appeal to these grounds means, first, to identify the concern in question as an appropriate and urgent moral demand against authority to which one is subject in some context, and then,

²⁹ For reasons explained in Risse (2005a) and (2005b), I doubt this approach to global justice succeeds and thus do not make much of it here.

crucially, to argue that there is an urgent global dimension to it according to some of these substantive grounds.³⁰

The second kind of ground is procedural. One way in which concerns can become common within a certain political structure, and one way in which they can come to be membership rights within that structure, is for them to come to be widely regarded as such, as a result of an authoritative process. Considerations of this sort do not argue for the necessity of there being a list of common concerns, but support specific rights that have been endorsed as such through such a process. A *supplementary* function such considerations may play when argumentative support is mustered for particular rights is that substantive grounds will often not establish human rights without removing remaining disagreement. (We are, after all, talking about membership rights, and whether something counts as such can turn on relevant processes among the members that are supposed to address that question.)

Procedural grounds can also be enlisted to argue that human rights express membership as the global order itself sees it.³¹ The Universal Declaration, in the eyes of many, fixes human rights discourse. According to the present conception that elevated role receives some argumentative support. That list has emerged through a process that

³⁰ There are other international concerns that take on the shape of rights, such as concerns dealt with by private international law (a body of conventions, model laws, legal guides, and other documents and instruments that regulate private relationships across national borders). Those would not be captured here because they are not themselves demands against authority but demands against other private persons, where authorities act as mediators or enforcers. There would also be many other international treaties that capture international coordination of moral concerns that arise vis-à-vis authorities, such as the minor ILO treaties. They would not be registered as human rights treaties on this account because they would not meet the urgency standard. A precise limit to what counts as urgent and what does not will be hard to come by, but in this regard there is nothing unusual about this conception of human rights.

³¹ Together, one might say, all these considerations spell out a standpoint of global public reason that assesses what is of global concern. Beitz (2001) captures a related thought: “The doctrine of human rights is a statement of standards to guide the structures and conduct of global political life insofar as these bear on the conditions of life for individuals in their societies” (p 227).

involved the drafting by a sophisticated and diverse committee; an adoption by the General Assembly; as well as endorsements through the subsequent ascendancy of other countries to the UN and the role that it has played as a reference point in international politics. It is a non-trivial question today how much of the Declaration is customary international law. (But in addition, at any rate, there are the Covenants that bring much of the contents of the Declaration in legally binding form, as well as other treaties that develop parts of the Declaration or add to it.) In discussing relativism Williams (2005) talks about a new “we” that needs to be “negotiated” (p 69) when parties of different cultural backgrounds encounter each other. The Declaration is a document that emerged from such negotiations, taken literally – although the negotiations happened somewhat belatedly as far as the actual “encounters” were concerned.³²

It is disputable how much authority this process has had. Rabkin (2005) points out that the Declaration’s non-binding nature made it easy for states to endorse it without being committed to it. The apparent success of “this talkfest,” says Rabkin,

³² (1) (Thomas) Risse (2000) is helpful here. Inspired by Habermasian discourse ethics, he submits that arguing and deliberating about the validity of claims are not taken seriously enough in theorizing about the interaction among agents in the international arena. He thinks the preconditions of argumentative rationality, “particularly a ‘common lifeworld’ and the mutual recognition of speakers as equals in nonhierarchical relationships are more common in international relations than is usually assumed” (p 33). He also talks about “argumentative self-entrapment” (p 32), when states pay lip-service to something but then find themselves drawn into it, so that in the end they actually act in accordance with what they are paying lip-service to. (2) Lauren (2003) summarizes the impact of the Declaration as follows – which reflects both its legal and more informal impact (p 269f): “In a period of fifty years the world witnessed a veritable revolution in the process of transforming visions of international human rights into reality. Never before in history had there been so many achievements in extending rights, setting standards, protecting rights through binding treaties and covenants, promoting rights through education and the media, enhancing rights through advisory services in the field for those who suffered, and expanding activities to break the former culture of impunity. Together they helped millions of people gain their independence and assisted unknown numbers of others by preventing abuses, securing freedom from torture or prison, acquiring access to monitoring bodies and humanitarian aid, and obtaining national and international legal protections for their rights. In addition, they inspired national constitutions, regional intergovernmental organizations, and states to use the observance or violation of human rights by others as a criterion for their policies. In almost every one of these endeavors, reference was made to the Universal Declaration of Human Rights as customary international law and the power of its vision to change the world. “

encourages the very misplaced belief that there is genuine consensus when there is not. And this misplaced belief encourages ventures that go wildly beyond what the actual international community is actually able to sustain, igniting or exacerbating very serious conflict. (p 164)³³

Indeed, the extent to which the Declaration commands authority on procedural grounds is not settled by drawing attention to official expressions of support. More would need to be said on that subject.

On the present view, at any rate, there will be more or less argumentative support for different rights, which is a feature that is at odds with the fact that it is desirable to have a clear answer to the question of whether X is a human right. Any proposed “human right” may receive support from any or all of these substantive and procedural grounds, and the strength of support arising from each ground may vary. Not all grounds from which membership rights derive apply equally to all individuals. Among substantive grounds, collective ownership applies categorically to everybody who lives on this planet, as does presumably any plausible duty of aid, but its force will vary with the seriousness of the case. However, considerations of enlightened self-interest and interconnectedness apply differentially, although it seems safe to say that they will not fail to apply to any case altogether in the world as it is now. A critical discourse about proposed human rights can occur if a proposed human right fails to receive support in all

³³ See Kennedy (2002) for some considerations as to what might be problematic about the apparent consensus on human rights. A striking illustration for the phenomenon Rabkin identifies comes from John Maynard Keynes’ assessment of the negotiations in Paris in 1919. To accommodate Woodrow Wilson’s preconceptions, the Treaty of Versailles had to be put in a certain moral language although everybody except the President understood that doing so was pointless: “Thus instead of saying that German-Austria is prohibited from uniting with Germany except by leave of France (which would be inconsistent with the principle of self-determination), the Treaty, with delicate draftsmanship, states that ‘Germany acknowledges and will respect strictly the independence of Austria, within the frontiers which may be fixed in a treaty between that State and the Principal Allied and Associated Powers; she agrees that this independence shall be inalienable, except with the consent of the Council of the League of Nations,’ which sounds, but is not, quite different” (Keynes (2004), pp 94f). Keynes goes on to list some other such cases.

these ways, or if it is doubtful to what extent it is supported by those different grounds on which membership rights arise. Given that the Declaration, as well as the human rights movement following its lead, recognize a long and detailed list of rights, it should not be surprising that the precise manner in which some of them apply is contested, not only in practice, but also within a conception of human rights. Labor rights will be addressed below, and for other possible human rights it will be enough to note for our purposes that, in cases of lingering doubts about whether X should be a human right, what might settle the issue pragmatically, in light of the meaning-fixing role of the Declaration and other major human rights documents, is whether X is indeed listed there (and so supported on procedural grounds).

10. We are developing a basis-driven conception of human rights. I have so far described the basis and the process that generates the list of rights that emerges on this view. I have also said what I could here about the list itself. By way of concluding we need to address briefly the assignment of responsibilities. This will be sketchy: I will only say enough to make it plausible that this component can be added coherently. I do not discuss how the burden of responsibilities should be *distributed*; my main point is to illuminate more what it means to hold rights within the global order.³⁴

A guiding assumption has been that human rights are moral demands concerning the organization of society. Since ours continues to be a world of states -- it makes sense to say “most authority is exercised on behalf of states” -- states provide the immediate environment for people’s lives to unfold and the immediate environment for any rights to

³⁴ For some discussion of this question, see Miller (2001) and references therein.

apply. This point by itself entails that the primary responsibility for the realization of human rights lies with states, regardless of why states may or may not be in a good position to do so. States are also the signatories of human rights treaties. If a state cannot be the addressee of certain rights because it is in no position to realize them, others are obligated to help that state reach a stage where it can do so. Responsibilities for human rights are differential. (It will be a matter of dispute what it means for a state to be “in a position to do;” but it should be kept in mind that we are talking about urgent matters.³⁵)

To that extent human rights are *manifesto* rights in Feinberg’s (1973) sense. Thinking of them as membership rights means considering them as moral demands that apply where it makes sense to raise such demands, or else to create conditions under which it does. This is a matter both of creating a certain wealth level and of aid in creating suitable institutions. While the Universal Declaration was passed when it barely started to make sense to talk about a global order, we can interpret it as a vision for global development. Endorsing it means endorsing the idea that we ought to make the world such that these rights apply. This view of human rights is to some extent *teleological*.³⁶

³⁵ (1) Buchanan (2004) talks about an “application indeterminacy” of human rights – one in three factors that constitute this is that “because at present most if not all societies fall far short of adequately protecting human rights, institutionalizing them is to a large extent a remedial process, a matter of reforming or eradicating those institutions that facilitate the violation of human rights. But these defective institutions will vary across societies, so implementation must vary accordingly” (p 181). (2) I ignore special responsibilities that arise because two countries share a certain history (such as exploitative colonialism). Such responsibilities exist in addition to shared global responsibilities. (3) One complication that may arise is that a state is in no position to realize certain rights because its whole political and economic infrastructure is remote from a stage where making the corresponding demands would make any sense. It may not always be of global concern to transform such a country to make sure such rights are realized.

³⁶ (1) Compare Beitz’s (2001) way of putting the point. After explaining that a doctrine of human rights suited for contemporary practice is “significantly teleological,” he explains: “[T]he doctrine of human rights (...) is a statement of aspiration applicable to all contemporary societies, but all of its requirements may not be capable of being satisfied simultaneously or in the short run. Human rights may not bear on political choice as straightforwardly as they would if conceived in more traditional terms as side constraints or prohibitions. The actions required to satisfy a human right will depend on the case. This is not only because achieving a given right may require different strategies in different settings, but also because

If a state is in a position to make sure human rights are guaranteed but the government – or that part of the population that determines policy -- chooses not to do so, intervention may be appropriate. Intervention could take on different forms, ranging from political and economic pressure and support for the opposition (by giving money, offering stipends at universities abroad, shaming the government, etc.) to military intervention. It does lie in the nature of human rights that violations create a strong reason for intervention, be it to rectify violations or to create conditions under which these rights apply in the first place. From Sen (2004) we can take the following thought that illuminates further the differential nature of responsibilities involved here:

The recognition of human rights is not an insistence that everyone everywhere rises to help prevent every violation of every human right no matter where it occurs. It is, rather, an acknowledgement that if one is in a plausible position to do something effective in preventing the violation of such a right, then one does have an obligation to consider doing just that. It is still possible that other obligations or non-obligational concerns may overwhelm the reason for the particular action in question, but that reason cannot simply be brushed away as ‘none of one’s business.’ Loosely specified obligations must not be confused with no obligations at all. (p 340f).

Yet unlike intervention within states, intervention in the global order cannot be done through police organs with immediate access to individuals’ bodies and assets, but instead means intervention in a different society. Such interference might be set aside for practical or moral reasons: the costs might be too high, the risks involved unmanageable, or there might be a conflict with the value of self-determination. Again, in the domestic context too there are reasons to set aside enforcement, but internationally such reasons

priorities will have to be set and compromises reached when, in the short term, the effort to secure one right threatens to block efforts to secure another.” (p 277f) (2) The framers of the Declaration were aware that they were creating a document that is teleological in character. The Chilean delegate Santa Cruz said that “realization of the right to work in all countries was for the future, but if the Declaration were to be adjusted only to existing conditions it would not achieve a very useful purpose” (Morsink (1999), p 162).

will occur more frequently. This by itself makes the connection between rights and remedies less tight than they are within (well-functioning) states. This is a testimony to the sort of entity the global order is. As an entity in which one can hold rights the global order is rather different from the state.³⁷

11. Finally, what about labor rights? Again, to show that a concern counts as a human right, we need to demonstrate that it gives rise to an urgent demand against authority in an agent's environment, and that the issue is of urgent global concern. The second stage involves the substantive and procedural grounds discussed above. All rights on the Declaration obtain some support on procedural grounds. All concerns that are urgent within given agents' immediate environment fall under a duty of aid, but this duty applies most plausibly where the hardship is biggest and the distance in power and wealth between those who suffer and those in a position to help is largest. Membership rights derived from the standpoint of collective ownership will not include labor rights (see Risse (forthcoming) and forthcoming/1)). But let me discuss these grounds no further and focus on the other substantive grounds.

In a first step then we need to identify the urgent problem posed by the concerns motivating labor rights. The basic moral concern behind labor rights is that everybody ought to have a share in the productive system of her society because it is a conventional system that its participants are expected to comply with and in which coercive measures

³⁷ (1) It is also because of these differences between the state and the global order as entities within which rights can be held that it might well be problematic for rights guaranteed by constitutions to be *manifesto* rights although it is unproblematic for human rights to be such rights. (2) Discussion about *accommodation* is also needed in the case of the global order. Suppose there was a society where everybody is happy to do without private property: property is held at the level of clans. If a plausible case can be made that this is how people in that society like to do things, such a case would preclude intervention. This does not mean such agreement would always be conclusive in this way (see Scanlon (1979)). But sometimes it will be.

are used otherwise. Labor rights make sure everybody benefits from these arrangements at least in the sense that participation in labor markets is protected in some ways. There is urgency to such protection because, for most adults, paid work is the source of their livelihood, and they spend much of their time earning the money on which they must live and raise families. Employment is also a crucial source of self-esteem. Without protection, powerful actors may readily take advantage of this situation.

Consider the rights guaranteed in Articles 23(a) and 24 of the Declaration, the “right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment,” and the “right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.” A right to work might be like the right to marriage, which does not require the state to do anything to help people whom nobody finds attractive; the point is, instead, that a range of obstacles to marrying is considered illegitimate. A right to work would then only require the state not to obstruct employment possibilities in certain ways. Or such a right could entail the right not to be fired for certain reasons (e.g., union activity, capriciousness of the employer, etc.) The remainder of Article 23(a) then spells out the initial “right to work.” Or else a right to work could require that the state create jobs if people do not find them. (This understanding requires additional inquiries to assess what sort of work a given person could be expected to accept for the state to discharge its obligation.)³⁸

The generic case for labor rights just presented creates obligations for states to make sure nobody is systematically excluded from employment, and all are treated in

³⁸ The UN does not read that right along those demanding lines. In its General Comment No. 18, adopted on November 24, 2005, the Economic and Social Council explicitly denies that this right should be understood as such a claim right. Note, again, that these labor-related articles should be read in conjunction with Article 55 of the Charter, which commits the UN to promoting full employment.

certain ways at their work place. We need not decide whether the stronger interpretation (according to which the state has to provide employment) ought to be regarded as the morally preferred one. (I doubt it.³⁹) As I argue below, it is at any rate not a matter of *urgent global concern* whether there is a right of each person to have employment, rather than a right that the state not obstruct employment possibilities and make certain assurances for how worked are to be treated. A right to “rest and leisure” as well as “reasonable limitations of working hours” also emerges from the generic case: such rights make sure nobody suffers any competitive disadvantage from being unwilling to spend all his time on earning wages. Above a certain level of wealth, it is unreasonable to require total absorption into one’s work to make a living; labor markets should be compatible with the pursuit of other interests, including the enjoyment of benefits made possible by society. Yet taking a right to “periodic holidays with pay” as a specification of a limitation of working hours means again to offer a specification for which there is no urgent global concern.⁴⁰

Along such lines one can argue for the moral urgency of labor rights generally and of a rights to work and rest and leisure specifically. A generic case for an urgent *global* concern with labor conditions – to proceed to the second stage of the argument needed to show that these would be *human rights* -- can draw on reasons Marx and Engels discuss in the Manifesto and that later motivated the creation of the ILO. Labor conditions in one country affect its competitiveness and thus also the competitiveness of

³⁹ Arneson (1990) defends a right to work in the sense that the state has to create jobs.

⁴⁰ Walzer (1983), p 196 rejects “periodic holidays with pay” as a human right because he takes it to be unnecessarily specific. His point is that such holidays with pay take a partisan stance in favor of vacations as opposed to festivals for which time is being given off.

others on the world market. Mutual self-interest played an important role in this process: it was in no country's interest to be at a competitive disadvantage if others could benefit by exposing their work force to unfavorable working conditions.

Yet it is doubtful that mutual self-interest taken in isolation delivers a strong argument in support of labor rights. Excluding people from labor markets will not generally make countries more competitive, nor (arguably) will denying them time to recuperate. (I cannot even begin to explore the empirical issues involved here.) On the other hand, one might say *enlightened* self-interest offers some support to such rights in the sense that the realization of labor rights qua legitimate claims against one's own government will be easier if global expectations are indeed that those rights are justified.⁴¹ While this would be true of any moral demand that can be raised within a given political environment, it would apply to labor rights in a manner that readily motivates coordinated action because of the existence of global markets that create connections among their participants. Still, these considerations will fail to apply in a good number of bilateral relationships between given countries A and B, which in turn creates lingering doubts about the extent to which labor rights are matters of global concern based on mutual self-interest.

Interconnectedness makes the strongest case for thinking of labor rights as being of global concern. Global markets, after all, are collective creations – they arise from human interaction --, and affect the incentives of government and industries in the countries participating in them. To see how global economic interconnectedness creates shared responsibilities, note the following two points: First, while one-time interactions

⁴¹ Moravcsik (2000) explains the emergence of a strong human rights regime in post-war Europe along similar lines.

may not generate any such responsibilities, trade and other economic interactions often are structured and repeated exchanges involving markets and bodies of law, domestic and international, that regulate them. Second, these activities are mutually beneficial for the countries as a whole. For both sides, economic interactions involving violations of legitimate claims against one's political environment lead to ill-gotten gains. Exchanges involving violations would occur at the expense of the oppressed, in the sense that either (a) their contributions do not make them better off to an extent warranted by their value, or (b) their involvement in the exchange has emerged in an oppressive way (e.g., they are coerced into working in the relevant industries), or both.

Often such concerns about economic exchanges apply country-by-country, but since there are genuinely global markets, there is an additional global responsibility to create conditions under which labor-related concerns can be realized. The best case for labor rights being membership rights, that is, is the following: labor rights (a right to work, and a right to reasonable limitations of working hours) are urgent moral demands against one's immediate environment, for reasons presented above, and become urgent global concerns because of economic interconnectedness.⁴²

Enough of a case can be made, then, for the claim that the right to work in the more moderate sense (short of demanding full employment from the state) and the right to leisure are membership rights in the global order. However, these particular membership rights are not supported on all grounds from which such membership rights are derived, and the weakness of this argument reflects the disputed nature of labor rights as human rights. It is harder to see why a right to actual full employment would be of

⁴² For further discussion of the impact of economic interconnectedness, specifically in the context of fairness in trade, see Risse (2007) and Kurjanska and Risse (2008).

global concern on any of these grounds as a right that goes beyond the right not to be excluded from employment plus the right not to be fired for frivolous reasons plus the right to basic social security.⁴³ Similarly, it is harder to see why there should be a global concern with whether a right to leisure takes the specific form of paid holidays. Such a right is more plausible as a specification of a right to leisure than a right to jobs is as a specification of a right to work, but neither is a matter of urgent global concern. In both cases what argument could be made (if any) in support of these particular specifications would presumably draw heavily on parameters that are not of global relevance.

A final thought. Above we discussed in addition to the Nature-of-Rights and the Inferior-Urgency objection a third objection to labor rights being considered human rights, the Cultural-Imperialism objection. I pointed out that a conception of human rights that addresses the other objections is no longer open to this one. There is then no need to look for alternative explanations for why rich countries would require poor countries to endorse labor rights. This point, I hope, has become more plausible through the preceding discussion. It is open to debate whether states ought to be exempted temporarily from realizing labor rights. But on this conception, others are obligated to help such states to get into a position to realize labor rights. If they do indeed do so, the charge that imposing those rights is self-serving for developed countries no longer arises.

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⁴³ Gewirth (1996), p 215, thinks that there is a human right “to be effectively able to earn [one’s] livelihood through [one’s] own productive work.”

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