

## Correlative obligations

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It is a commonly held view that rights imply correlative obligations. That is, if someone has a right to  $x$ , then someone else (some person, group of people, institutions, etc.) bears some obligation, or duty, with respect to that right. Sorting out the nature of the obligations implied by rights, however, turns out to be a contentious matter. This is particularly the case in the context of debates about human rights and global justice, where difficult questions emerge about the nature of human rights, the correlative obligations they imply, and the bearers of these obligations. Of central concern in contemporary debates is the issue of whether the global poor have a human right to subsistence, and if so, what correlative obligations this right implies and for whom.

Traditionally, theorists have distinguished between negative rights and positive rights. Negative rights are rights to noninterference (e.g., the right not to be robbed, or assaulted, or in general deprived of some good), whereas positive rights are rights to the provision of some good, or the performance of some action (e.g., the right to medical care, or to education). Positive rights are more controversial than are negative rights, in that a positive right implies that others have a correlative obligation to help the right-holders, whereas a negative right appears to imply merely a correlative obligation not to harm them.

A fundamental question in debates about global justice is whether all human rights are negative rights, and thus imply only negative correlative obligations, or whether there are positive human rights (and positive correlative obligations) as well. Basic economic rights, or what have been called subsistence rights (minimally, the right to sufficient food and water, clothing, shelter, etc., to ensure a reasonably healthy life), have often been characterized as positive rights. Thus they have been understood as implying positive correlative obligations on others to help ensure the provision of basic necessities to the global poor. Because of this, the notion of a human right to subsistence has met with significant skepticism from libertarians, who typically accept the notion of negative natural rights (and correlative obligations of noninterference) but maintain that positive rights (and positive correlative obligations) can be generated only by contract. From a standard libertarian perspective, then, appeals to human rights may ground obligations not to deprive individuals of their means of subsistence (i.e., to do no harm), but not additional, positive obligations to help.

Scholars sympathetic to the idea that we have genuine obligations to help reduce global poverty have responded to this general libertarian challenge in a number of ways. One option is to contend that there are positive human rights and that subsistence rights are among these. Typically, accounts that defend positive human rights ground them in the fundamental interests human beings have in basic goods such as, among other things, sufficient nourishment and shelter. Understood as positive human rights, subsistence rights straightforwardly imply positive correlative obligations to help ensure the provision of these basic goods.

Henry Shue similarly contends that the fundamental moral importance of subsistence can ground positive correlative obligations. Shue's strategy, however, is explicitly to collapse the traditional distinction between positive and negative rights. Shue believes that basic moral rights represent our "minimum reasonable demands" on humanity. Central to these demands is that the enjoyment of the rights be socially guaranteed against standard threats. Because individuals' interests in subsistence are no less morally important than their interests in physical security or basic liberties such as freedom of thought and expression, interests in subsistence may ground demands for social guarantees no less than security or liberty interests may ground such demands. Furthermore, as many scholars have pointed out, providing social guarantees to protect against violations of individuals' security or liberty rights may require positive investments of resources that could rival those required to secure basic economic rights. Thus Shue contends that the distinction of negative and positive rights, and the libertarian notion that human rights imply only negative obligations, is unjustified. Rather, he argues that all basic rights imply positive as well as negative correlative duties: (negative) duties to avoid depriving right-holders of the substance of the right, (positive) duties to protect them from deprivation of the right, and (positive) duties to aid those who have been deprived. Guaranteeing moral rights requires fulfilling all three of these correlative duties.

An alternative strategy, employed by Thomas Pogge, is to accept the libertarian claim that all human rights are negative rights, and thus imply solely negative correlative duties not to harm others, but then to contend that the members of affluent nations are in fact responsible for harming the global poor (2002). Pogge claims that we, the members of affluent nations, bear responsibility for the plight of the world's poor through our nations' support of the existing

global economic order. If this is true, he contends, then even given the libertarian notion that human rights confer only negative correlative duties not to harm, members of affluent nations are implicated for failing to fulfill these negative duties. Rectifying this, Pogge believes, requires that we take positive steps to promote reform of our global institutions. Note, however, that these positive obligations derive from the more fundamental negative duty to do no harm.

Related to the issue of what sorts of correlative obligations are implied by human rights is the question of who bears these obligations. It is uncontroversial that insofar as human rights imply negative obligations (not to torture or enslave others, etc.), these obligations are borne by everyone. If we accept the view that human rights also imply positive obligations, however, then disagreement emerges about who properly bears these obligations.

One option is that the positive obligations fall on those who are somehow responsible for the rights violations. This is consistent with the libertarian view that human rights are negative rights and thus imply positive obligations only insofar as those who violate the primary, negative correlative duty not to harm are thus obligated to take positive steps to stop harming their victims, and perhaps to make restitution. On this view, a political regime that violated its citizens' human rights by threatening their security, restricting their basic freedoms, or depriving them of the means of subsistence, would bear obligations to take the positive steps needed to stop harming them in these ways. But the human rights at issue would imply no correlative obligations on members of the global community who were not responsible for the violations to get involved to protect or aid the victims. Note that, because Pogge essentially accepts a responsibility-based view, it is crucial to his project that he demonstrate that those of us in

affluent nations really do share responsibility for global poverty, and thus we similarly share an obligation to work to reform the harmful global structure we currently support.

An alternative view is that the positive obligations implied by human rights are borne by all those who have the capacity to help put an end to the rights violations, whether or not they are responsible for them. Those who endorse a positive human right to subsistence, grounded in fundamental human interests, will tend to regard this right as implying positive obligations on whomever is in a position to help. On this sort of account, the human right to subsistence implies essentially a universal correlative obligation to help eradicate poverty by working to create institutions (or reform existing institutions) to safeguard people against poverty and aid those who are currently impoverished.

Significant disagreement exists, then, both about what correlative obligations are implied by human rights, and also who bears these obligations. Debates about these points will continue to be of central importance in contemporary discussions of global justice.

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**See also**

Duties, Positive and Negative

Global Justice

Human Rights

Negative Rights

Pogge, Thomas

Positive Rights

Poverty

Shue, Henry

Subsistence rights

UDHR Rights and Duties: Contrasted and Critiqued

### **Further Readings**

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