

# Human Rights, Personal Responsibility, and Human Dignity: What Are Our Moral Duties to Promote the Universal Realization of Human Rights?

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**Abstract** According to the orthodox or humanist conception of human rights, individuals have a moral duty to promote the universal realization of human rights. However, advocates of this account express the implications of this duty in extremely vague terms. What does it mean when we say that we must promote human rights satisfaction? Does it mean that we must devote a considerable amount of our time and resources to this task? Does it mean, instead, that we must make occasional donations to charities working to advance human rights realization? In this essay, I argue that this duty can only be constructed as imperfect. This means that it confers agent-relative discretion on us to decide when, how, and to what extent to advance the human rights of others. It also means that it is neither correlative with rights nor enforceable. As I will explain, the main reason for this is that any attempt to construct it as a perfect duty would infringe the dignity of the potential duty bearers and thereby undermine the very values that human rights practice aspires to serve. Finally, I will conclude by providing some guidelines for those who wish to comply with their imperfect duties to improve the situation of those whose human rights are in peril.

**Keywords** Perfect duties · Imperfect duties · Human dignity · Rescue duties

## Introduction

These are good times for human rights. Since the Universal Declaration was adopted, almost every single nation has subscribed to the main human rights documents and human rights satisfaction has remarkably improved over the past decades. However, the universal

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realization of human rights envisaged by these documents is still utopian. In spite of their international commitments, many states gravely disregard the human rights of their residents. Thousands of people living under authoritarian regimes are imprisoned, persecuted, or marginalized because of their political views, ethnic origin, or religious beliefs. Similarly, millions of people in developing countries lack secure access to the objects of their social and economic human rights, including access to means of subsistence (Pogge 2007, p. 11). This devastating scenario raises an important question with immediate practical implications: What ought we, as individuals, to do for the human rights of others when states either neglect or are unable to fulfill their responsibility to satisfy those rights? In this essay, I will try to come up with an answer to this question.

The tenet that human rights have normative implications for individuals may of course strike many readers as odd. This is so because there is wide consensus among international law scholars that human rights norms are exclusively directed against nation states as signatories of the relevant instruments (Cassese 2005, p. 381; Higgins 1995, p. 98; Nickel 2007, p. 10; Beitz 2011, p. 13). Thus, from a strictly legal point of view, it seems individuals have only derivative human rights obligations as members of their state.

However, human rights may be regarded as a broader moral category that is not exhausted by international instruments and declarations. In this vein, several philosophers conceive of them as either natural rights or as a special subgroup of such rights. This view is known in specialized literature as the “orthodox,” “naturalistic,” or “humanist” account of human rights and can be traced back to the works of John Locke and Immanuel Kant (Locke 1988; Kant 1999). Unlike legal human rights, natural rights are claims that protect certain normatively salient interests or capacities of human beings by imposing correlative obligations on all other agents, ranging from governments to international organizations, transnational corporations, and other persons. Importantly, according to most contemporary advocates of this view, human rights generate not only negative duties not to harm the interests or capacities they seek to preserve but also positive duties to contribute to promoting them when we can reasonably do so (Sen 2004, p. 319; Gewirth 1982, p. 64; Griffin 2008, pp. 100–104).

With variations, the humanist account has been defended by authors as influential as Alan Gewirth (1982), James Griffin (2008), Martha Nussbaum (2002), Amartya Sen (2004), and Simon Caney (2007), among others. So, for instance, Griffin proposes that we understand human rights as general moral norms aimed at protecting human personhood, where the notion of personhood points to the capacity to paint a picture of what a valuable life would entail and then to try to make it happen (Griffin 2008, p. 32). According to him, in order to be a human person in the fullest sense, we must enjoy the *autonomy* to choose our own path through life; the *liberty* to follow the path we have chosen without arbitrary interference by others; and the *minimum provision* of resources required to make genuine choices, including access to food, shelter, elementary education, and medical care (Griffin 2008, p. 33). When coupled with practical considerations on the nature of human biology and human societies, these three components of personhood bring about specific human rights that burden every other agent with an obligation to advance their satisfaction to the extent to which they are capable (Griffin 2008, pp. 100–104; Beitz 2011, p. 66).

If the humanist account of human rights is plausible, then human rights can be seen as primarily ethical demands that surpass their current embodiment in international law (Sen 2004, p. 319). As a result of this, even if only states are bound by legal

instruments, individual persons may still have a moral duty to work towards their worldwide realization. Unfortunately, the exact nature of such duty remains significantly obscure. What does it mean when we say that we must assist those who are oppressed by their governments, or those who are starving through no fault of their own? Does it mean, for instance, that we must devote a considerable amount of our spare time and resources to alleviate their situation? Does it mean, instead, that we must make occasional donations to charities and organizations working to improve human rights satisfaction and get involved in human rights activism when this does not interfere with the pursuit of our own existential projects and commitments?

Surprisingly, most advocates of the humanist approach treat this crucial issue in extremely superficial terms. While they recognize that our obligation to advance human rights admits restrictions, either they often fail to explain exactly what it entails or they explain it in very vague terms. So, for instance, Griffin says: “We should do what, with present resources, we can to raise the destitute to the minimum acceptable level. But do so at what cost to ourselves? The answer to that question is inevitably rough, but it is along these lines: at a cost within the capacities of the sort of persons we are” (Griffin 2008, p. 99). Likewise, Sen maintains that “the recognition of human rights is not an insistence that everyone rises to help prevent every violation of every human right no matter where it occurs. It is, rather, an acknowledgment that if one is in a plausible position to do something in preventing the violation of such a right, then one does have an obligation to consider doing just that” (Sen 2004, p. 341).<sup>1</sup> This absence of concrete criteria as to how to construct our moral duty to advance human rights constitutes a significant gap in the humanist view. For, unless we manage to explain what this duty requires from us, it will be unable to guide our actions and, ultimately, render an empty claim (Hope 2013, p. 90).

In recent philosophical literature, several authors have suggested that our duties to help those in need can be construed as perfect duties (Singer 1972; Murphy 2003; Gewirth 2007). This means that they allow no agent-relative discretion to decide when, how, and to what extent to help others. From this perspective, failing to assist those whose fundamental interests are at risk when we are in a position to do so would count as an indisputable moral wrong. Furthermore, some authors believe that these duties correlate with the rights of others, and may even be enforced by third parties (Ashford 2009; Stemplowska 2009; Gilabert 2012). This view has gained remarkable popularity among global justice theorists and, as I will briefly explain, it may be easily extrapolated to the realm of ethical human rights. Contrary to this account, this essay argues that our duties to advance human rights are imperfect because they allow us to grant priority to our own aims, projects, and personal commitments when deciding how to discharge them. As a result of this, they are neither correlative with rights nor enforceable.

I will begin in the next section by defining the notions of perfect and imperfect duty with more detail. Then I will proceed to consider three influential arguments that may support the tenet that our duties to promote human rights are perfect. After explaining why these arguments fail, I will suggest a general condition that ought to be met before an obligation can be imposed on individuals. I will refer to this as the “dignity constraint.” According to this constraint, human persons cannot be fairly placed under

<sup>1</sup> Similar accounts may be found in the analysis of other prominent advocates of the humanist conception. See, e.g., Gewirth 1982, p. 64; Caney 2007, p. 296.

an obligation if fulfilling that obligation could undermine their capacity to pursue their own legitimate aims, projects, and personal commitments. This will help us understand why our duties to promote human rights can only be constructed as imperfect. Finally, I will consider two potential objections against my argument and conclude by providing some guidelines for those who wish to comply with their imperfect duties to improve the situation of those whose human rights are in peril.

This essay is expected to make two specific contributions to the ongoing debate on human rights. The first is to complete the humanist conception of human rights by providing a more refined account of the nature of our moral obligations to promote human rights. It is important to stress from the very beginning that many of the arguments I will invoke are already well known in moral debates. My main contribution in this respect is to show what implications these views may have in the field of human rights and how they may help us gain a better understanding of what human rights require from us as a moral category.

The second contribution is to suggest that there are compelling reasons for redirecting our philosophical efforts when discussing an individual's responsibility to advance human rights satisfaction. Significant objections can be raised against the most promising theoretical attempts to prove that our duties to promote human rights are perfect; therefore, it may be better to invest our intellectual energies in exploring and more carefully developing the notion of imperfect duties so as to provide actual guidelines to morally motivated individuals. In this vein, I will attempt to motivate the claim that, far from being vague or otherwise defective obligations, imperfect duties constitute substantial moral requirements.

Two prefatory caveats are in order before I get into this. First, following the humanist account, I will assume that we have a moral obligation to promote the satisfaction of at least the most urgent human rights of others. Yet this assumption may be challenged by some authors, including in particular libertarians. Thus, Robert Nozick has famously argued that rights are not mandates to promote the good but just negative side constraints that protect the interests of human persons from the actions of third parties (Nozick 1974, pp. 28–29). Consequently, this initial assumption may call for extra argumentative support.<sup>2</sup>

Second, in this essay, I will only deal with the nature of our general duties to advance human rights. By this I mean our duties to promote their satisfaction regardless of any specific acts, events, or relationships, such as promises, contracts, or participation in shared political institutions. Therefore, I will not discuss the nature of our duties to compensate those whose human rights we have contributed to violating either through direct action or by supporting deeply unjust institutional frameworks. While extremely relevant, this is a separate issue that merits individual analysis.<sup>3</sup>

## Perfect and Imperfect Duties

It is commonly accepted that our moral duties can be of two different kinds: perfect or imperfect. Perfect duties mandate the realization of a particular action or omission on a

<sup>2</sup> For an interesting rebuttal of the libertarian position, see Gilibert 2012, chapter 3.

<sup>3</sup> For an insightful discussion on this issue, see Pogge 2007 and 2008, pp. 196–205.

particular occasion. They take the form “Never do X” or “Whenever conditions C obtain, do X.” A salient characteristic of perfect duties is that they provide no agent-relative discretion to decide whether to perform their mandated actions or omissions. They may of course include exceptions. For example, although we have a perfect duty not to kill others, we may nevertheless do so in self-defense. When the conditions described by the exception obtain, the duty does not apply to us. But whenever the duty applies to us, we have no discretion to decide not to perform the required action, and failing to do so would mean infringing that duty (Hill 2002, chapter 7; Paton 1971, chapter 4).

In contrast, imperfect duties mandate the promotion of a certain end or the adoption of a certain general policy through life. They take the form “Sometimes, to a certain extent do X.” Unlike perfect duties, they provide agent-relative discretion to decide when, how, and to what extent to perform actions promoting the obligatory end (Lamb 2010, p. 132). This means that when acting on their duty, agents may take into account not only their remaining moral obligations but also their own legitimate aims, preferences, and projects (Hill 1971; Gregor 1963, chapter 7; Paton 1971, chapter 4; Feinberg 1984, pp. 60–61). As a result, failing to perform an action of the sort they require on a particular occasion does not necessarily count as an infringement. It is only when our behavior shows that we have adopted a maxim of indifference to the obligatory end that the duty is violated (Gregor 1963, p. 100; Lamb 2010, p. 135).

Three clarifications are in order. First, it may be objected that there is no genuine distinction between perfect and imperfect duties, as even perfect duties are sensitive to agent-relative considerations. If one adheres to the maxim that “ought implies can,” then whether we are subject to a perfect duty to keep our promises or to rescue a drowning child depends on whether we are capable of carrying out the required action. If so, then perfect duties would unavoidably collapse into imperfect duties.

The problem with this objection is that it appears to conflate two separate senses in which a duty may be agent-relative. A duty may be agent-relative in the sense that our obligation to discharge it depends on whether we actually have the capacity to do so. Or it may be agent-relative in the sense that, even if we have the capacity to perform an action of the kind it requires, we may still legitimately decide not to do so because it interferes with the pursuit of our own projects. While both perfect and imperfect duties are agent-relative in the former sense, only imperfect duties are agent-relative in the latter sense. Consequently, whenever we have the capacity to act on our perfect duties, failing to do so would count as a moral wrong. Instead, refusing to perform an action of the kind that imperfect duties call for may not necessarily count as a moral wrong even if we enjoy the required capacity.

Second, the fact that imperfect duties result in agent-relative discretion does not mean that acting on them is optional. It simply means that we may exercise judgment in balancing their requirements with our own legitimate goals. Thus, imperfect duties subject our behavior to a requirement of reasonable justification, and morally motivated agents should try to do as much as possible to promote the end they mandate (Gregor 1963, p. 107; Meckled-García 2013).

Third, although perfect and imperfect duties constitute important categories in our moral repertoire, they do not exhaust the moral domain. This is so because we may have reasons to perform certain actions that are not grounded on obligations. Imagine, for instance, that you have spent all day aiding the victims of a car accident you have not caused. It is now late, you are exhausted, and the authorities have already taken

over. Although you have no obligation to keep helping the victims, it would be good if you did. This would be a supererogatory action, that is to say, an action that is morally good to perform, even though it is not mandatory.

## Duties to Promote the Satisfaction of Human Rights as Perfect Duties

In recent specialized literature, several authors have argued that assisting others in dire straits may be constructed as perfect duties. While these arguments have been originally developed in the context of a more general philosophical debate concerning the limits of beneficence, they may shed light on the nature of our moral duty to promote the most urgent human rights of others, such as the right to life, personal security, and subsistence.<sup>4</sup> I would like to consider three of these arguments which are particularly prominent.

### Marginal Utility Beneficence

The first account was originally developed by Peter Singer in his famous article “Famine, Affluence, and Morality” (Singer 1972). This argument is grounded on the following general principle: “if it is in your power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it” (Singer 1972, p. 231). So, for instance, if a child is drowning in a pond and you can rescue her without putting your own life at risk, you must do it. Needless to say, Singer assumes that the duty to rescue the child is a perfect duty as you are bound to discharge it even if this means postponing some important projects or personal commitments (Singer 1972, pp. 231, 235). Surely, letting the child die just to avoid ruining your new suit or being late to work would count as a flagrant moral wrong (Feinberg 1984).

While this argument is not framed in terms of human rights, the principle Singer invokes is also meant to apply to cases in which distant strangers are suffering because they lack access to food, shelter, or medical care (Singer 1972, p. 232). Thus, if marginal utility beneficence is correct, it may perfectly justify an obligation to advance at least the most urgent human rights of others. Imagine, in this vein, that some people are starving or that they are being tortured by their government. Imagine further that you could improve their situation by donating part of your salary to human rights organizations without falling into destitution. For the same reason you have a perfect duty to help the drowning child, you have a perfect duty to assist these people (Singer 1972, pp. 229–230).

As has been persistently pointed out, the evident problem with this account is that, under present conditions, it may impose unreasonable burdens on moral agents. If individuals are under a duty to perform an action whenever this contributes to alleviating the situation of those in distress, in a world where millions of people lack access to human rights, they would be required to spend most of their time and resources

<sup>4</sup> Although most human rights are meant to protect important human interests, in this essay, I will focus on those protecting the most urgent interests because it may be reasonable to think that stringency on the duty to promote the satisfaction of the human rights of others may vary depending on the intensity of the interests they preserve.

assisting others. As a result of this, they would have no margin to pursue their own aims and projects or to lead a self-shaping life (Murphy 2003, chapter 2; Wolf 1982, p. 421; Arneson 2004; Valentini 2013, p. 494).

In response to this concern, it may be argued that the reason why the costs of complying with marginal utility beneficence are so exorbitant is simply because of partial compliance. However, if every person in a position to help contributed equally to human rights satisfaction, the cost of bringing about their universal realization would be perfectly affordable to individuals. This leads us to a second argument, which is known in the literature as “fair shares beneficence.”

### **Fair Shares Beneficence**

According to fair shares beneficence, we have a perfect duty to do our fair share in promoting the good or bringing about an optimal or desirable moral outcome. From this perspective, beneficence is a cooperative project “where each of us aims to promote the good together with others” (Murphy 1998, p. 267). Once more, this view may easily translate into human rights language. If we assume that a world in which everyone had access to their fundamental human rights is morally desirable, then fair shares beneficence implies that we are under a perfect duty to do our fair share to promote their fulfillment when we are capable of so doing (Murphy 2003, chapter 5). Imagine, for instance, that global poverty could be eradicated or significantly reduced if every affluent person donated 10 % of their salary or devoted 10 % of their time to advancing these goals. According to this account, we would have a perfect duty to make our due contribution. Our aims, preferences, or existential projects would not count as valid excuses to avoid acting on this maxim.

This proposal has considerable advantages over marginal utility beneficence. It fairly distributes the burdens of promoting the satisfaction of human rights while setting clear restrictions on the sacrifices that may be imposed on individual agents. This is so because, according to this account, individuals will never be required to give to the extent that they would ultimately be less well-off than they would have been under full compliance (Murphy 2003, pp. 86–87). If they nevertheless decided to do more, that would constitute a supererogatory action.

Unfortunately, this view is vulnerable to three significant objections. First, it results in highly unpalatable upshots. To see why, imagine that two people were drowning and there were two other people in a position to save them from dying. According to fair shares beneficence, those in a position to help would be required to save just one of the victims each. This means that if one of them failed to do her fair share, no additional burdens could be imposed on the conscientious helper. It is evident, however, that in such a scenario the conscientious helper may be required to do more than her fair share. If reasons exist for releasing her of this obligation, they must be of a different nature (Ashford 2003, pp. 289–292; Gilibert 2012, p. 36).

The second difficulty with this view is that in the absence of efficient coordinating mechanisms, it may be impossible to determine our fair share in bringing about the universal realization of human rights. Thus, under present conditions, fair shares beneficence is rendered void and fails to guide our actions. It may perhaps be suggested that in the absence of adequate institutions, people are under a perfect duty to do their fair share in creating them (Gilibert 2012, p. 39). But this will not help. For, until



relevant institutions are operative, no reliable information as to the content of their duty will be available (Hope 2013, p. 97).

The third and perhaps most pressing problem with fair shares beneficence is that, just like the marginal utility account, this view may impose unreasonable demands on individuals. Imagine, for instance, that we discovered a distant planet where millions of people lived in miserable conditions. The reason why they are in such situation is not that affluent people in their planet are failing to do their fair share to assist them. It is rather that no one there has enough resources to help them without putting her own life at risk. Under such a scenario, our fair share to advance their most fundamental human rights may be immense. Therefore, complying with fair shares beneficence would provide us with no significant margin for pursuing our own personal projects.

### **Moderate Beneficence**

Finally, the third argument holds that we have a duty assist others whose fundamental interests are in danger if this only imposes moderate burdens on us. Yet when improving the situation of others becomes extremely burdensome, helping them would amount to a supererogatory action. If this view is sound, then a perfect duty to promote the satisfaction of the most urgent human rights of those in distress whenever we can do so at a reasonable cost can be fairly imposed on us (Singer 1972, p. 241; Caney 2007, p. 296; Gilibert 2012).

This argument is initially appealing precisely because it promises not to impose unreasonable demands on individuals. But in spite of its appeal, moderate beneficence faces a fatal dilemma. If the expression “reasonable costs” means not sacrificing anything of comparable moral importance, then this argument collapses into the first one. Considering that many human rights protect paramount human interests, almost nothing can be more important than promoting their satisfaction. What can be more pressing than avoiding torture, grave illness, or starvation? Consequently, under this reading, individuals would have to promote the satisfaction of the most fundamental human rights of others up to the point of marginal utility.

If, on the other hand, the expression “reasonable costs” means not sacrificing anything that is important from the perspective of the duty bearer, then the obligation to promote the satisfaction of human rights becomes an imperfect duty. Imagine, for instance, that you could donate the money you have saved up in your child’s college fund to a famine relief charity. Or imagine that, instead of using your spare time to write poetry, you could devote it to contributing to preventing a woman in Iran from being stoned to death by getting involved in an international campaign. Whether this counts as a reasonable cost critically depends on the importance you attach to those projects. Thus, under this alternative interpretation, the duty to promote the realization of human rights is an imperfect rather than a perfect duty.

### **The Dignity Constraint**

The tenet that we have a perfect duty to assist those whose human rights are in peril may be challenged on several grounds. So, for instance, it may be challenged by invoking practical considerations. Along these lines, Simon Hope has argued that positive duties of care require “the performance of a complex pattern of action over a



significant period of time” (Hope 2013, p. 92). In turn, because in the present historical context “the finite powers and capacities of the human life-form” render it impossible to discharge these duties to all who need our assistance, no one has a corresponding right to be helped by us. Thus, duties of care are imperfect in the sense that we are allowed to choose who to help and how to do it (Hope 2013, p. 92).<sup>5</sup> Importantly, Hope recognizes that under alternative social setups—such as a small isolated community—our duties to help may become perfect. As our capacity to discharge them depends on contingent factors, Hope concludes that “there is no way of ahistorically fixing the contents of the *entire* set of imperfect duties” (Hope 2013, p. 94). What is now an imperfect duty may turn into a perfect duty under different circumstances.<sup>6</sup>

While illuminating, this argument is vulnerable to an important objection. If we are incapable of helping all those who need our help, we may still have a perfect duty to help as many people as we can. Imagine that five people are starving and that I can just rescue three of them. Although a duty to help all these people cannot be fairly imposed on me, I may nevertheless bear a perfect duty to assist the three I can rescue (Feinberg 1984, p. 61). There is nothing in Hope’s argument precluding this possibility.

Conversely, even if an agent were capable of assisting all those in dire straits, burdening her with a perfect duty to do so may still be unfair for other reasons. So imagine that there is a group of five people living on a deserted island and that, because four of them are physically impaired, they are unable to look for food. Imagine further that the remaining inhabitant could feed them if she spent most of her time hunting. The mere fact that she can help all of them may not suffice to conclude that she has a perfect duty to do so. Most likely, she could legitimately decide to help just some of them. This strongly suggests that, contrary to what Hope sustains, capacity may not be the key variable for tracing the boundaries between perfect and imperfect duties.

In view of these considerations, I would like to suggest an alternative—and perhaps more radical—argument for conceiving of our duties to advance human rights as imperfect. This argument claims that the main problem with the accounts we have considered in the preceding section is that they undermine the dignity of the duty bearers. The principle of human dignity is ubiquitous in contemporary moral philosophy. Although its precise implications are subject to controversy, there is certain agreement that it requires treating people as ends in themselves. Following Griffin’s idea that being a human person involves being able to lead a self-shaping life, I propose understanding the principle of dignity as preserving a more fundamental right to try to realize our image of what a valuable life would be (Griffin 2008, p. 45; Dworkin 2011, pp. 191–218; Nozick 1974, p. 49).<sup>7</sup> From this perspective, respecting human dignity amounts to respecting the freedom of each individual to lead her own life in her own way so long as she does not impair the equal right of others (Smith 1991, p. 464).

<sup>5</sup> When discussing the notion of imperfect duties in the context of Locke’s moral philosophy, Robert Lamb explores a similar account (See Lamb 2010, p. 132).

<sup>6</sup> “...it is easy to imagine a social morality evolving in a small and isolated community in which many of the moral requirements we consider to be paradigms of imperfect duty could be enacted by all for all” (Hope 2013, p. 94).

<sup>7</sup> In fact, Griffin thinks that our capacity to choose and pursue our conception of a worthwhile life is what endows human life with dignity, and suggests that this is how the references to human dignity contained in human rights documents are to be interpreted (Griffin 2008, p. 45).

When so understood, the principle of dignity grounds a general constraint that must be met before an obligation can be fairly imposed on an agent. I will refer to this as the dignity constraint. According to this constraint, individuals can only be legitimately imposed an obligation if it does not interfere with their equal right to pursue their own aims, projects, and personal commitments. I think that this constraint would be accepted by most reasonable moral outlooks because it makes sense of the idea that people are unique and separate beings with their own lives to lead (Nagel 1995, p. 44; Rawls 1999, pp. 24–25; Nozick 1974, p. 33). In fact, the tenet that every person counts in the sense that she cannot be sacrificed to promote a good cause or the general well-being pervades the modern moral tradition from Kant onwards (Smith 1991, p. 464). It is true that act utilitarians may reject the dignity constraint. But that is precisely what makes their view extremely problematic (Nozick 1974, pp. 28–51; Rawls 1999, p. 26).

In fact, far from being foreign to it, the dignity constraint appears to underpin the entire human rights enterprise. In this vein, human rights documents seek to preserve the fundamental interests of human beings from aggregative considerations and measures advancing the collective goals or the common good (Nickel 2007, pp. 41–42). The idea that each individual has an irreducible intrinsic worth is an integral part of human rights doctrine. Thus, the dignity constraint provides a reliable starting point for thinking about the obligations that human rights may impose on us and any account of our duties to promote human rights that ignores this runs the risk of undermining the very values that human rights are meant to affirm.

The dignity constraint may be interpreted in two alternative ways, however. It may be argued, for instance, that if every human being has an equal fundamental right to lead a self-shaping life, then the rich bear a perfect duty to redistribute their resources so as to ensure everyone else an equal opportunity to pursue their legitimate aims (Valentini 2013, pp. 496–450). Certainly, this distributive principle may work as a standard for relevant institutional regimes. In fact, when political institutions fail to ensure everyone under their purview an equal opportunity to lead a self-shaping life, they become deeply unfair. In turn, those who participate in institutional setups have corresponding perfect duties to contribute to their capacity to accomplish this obligation by, for instance, paying taxes and obeying their laws.

Yet, when it is proposed as a rule for guiding the conduct of individual persons, this principle is subject to the objections considered in the previous section. If individuals are placed under a perfect duty to redistribute resources up to the point of marginal utility, or to do their fair share to ensure that everyone has an equal opportunity to set and pursue their projects, their own agency may be undermined. If, on the contrary, they are simply placed under a duty to redistribute resources when they can do so at a reasonable cost, then the duty becomes imperfect, because it provides agent-relative discretion to decide when, how, and to what extent to improve the prospects of others.

The above comments point to an alternative understanding of the dignity constraint according to which the fundamental right of others to lead self-shaping lives imposes two general duties on individuals, namely:

- (a) A general perfect duty not to undermine the capacity of others to set and pursue their own ends (i.e., their agency)
- (b) A general imperfect duty to promote the agency of others by, among other things, contributing to the satisfaction of at least their most urgent human rights

People infringe their perfect duty (a) when they prevent others from using their capacities or resources to pursue their own legitimate goals by, for instance, injuring, threatening, or coercing them. Similarly, it is also infringed when they contribute to supporting coercive institutions that are deeply unfair or violate human rights. In such cases, they may acquire of course a perfect duty to redress or compensate the victims either through direct action or by working towards an institutional reform (Pogge 2008, p. 66).

However, when individuals have neither undermined nor contributed to undermining the agency of others, their duty to promote the satisfaction of their human rights is only imperfect. As already explained, this does not mean that they may do nothing. It simply means that they have agent-relative discretion to decide what to do by factoring in their own attachments, projects, and aims. I will further develop the content of this obligation in the next section.

This view of our duties to promote the human rights of others has an important advantage over the accounts considered in the preceding section. By imposing on individuals an obligation to promote the agency of others, it accounts for the importance we attach to human rights in ordinary moral thinking. But by constructing this obligation as an imperfect duty, it is fully consistent with the tenet that people are separate beings with an equal fundamental right to pursue their own aims. Thus, the account I am suggesting appears to achieve a reasonable balance between concern for others and respect for our own individuality and is therefore well-equipped to accommodate our main intuitions in this respect.

It may nevertheless be objected that this view is problematic because it would be unacceptable for those whose human rights are in peril. Along these lines, some cosmopolitan authors have recently proposed using a contractualist method to determine what we owe others in dire straits (Ashford 2007, pp. 206–213; Gilibert 2012, chapter 2). According to this method, an action is right if and only if it is not prohibited by a moral principle that no one could reasonably reject. In turn, whether a principle can be reasonably rejected depends on the comparative strength of different individuals' reasons for and against its rejection (Scanlon 2000, p. 197). In view of this, cosmopolitan contractualists conclude that a principle assigning mere imperfect duties to promote the satisfaction of human rights could be reasonably rejected by the needy because, given the urgency of their plights, the benefits they would gain from a more demanding principle would outweigh the sacrifices incurred by those in a position to assist them (Ashford 2007, p. 211; Gilibert 2012, p. 34).

This conclusion is dubious, however. To begin with, the notion of reasonable rejection grounding the contractualist method is extremely vague. When applying it, contractualists seem to rely on mere intuitions without offering any general metric for balancing competing demands. But unless such a metric is available, the outcomes of the contractualist device are completely uncertain and this method may ultimately serve as a framework for legitimating our prior convictions rather than as a test for critically assessing them.

Furthermore, under a plausible reading of the reasonable rejection clause, the contractualist method may very well support the view I am suggesting. It is evident that individuals have generic impartial reasons for rejecting, whenever they can, a principle that imposes a perfect duty to help others whose agency they have not undermined, as this may interfere with their capacity to lead self-shaping lives (Scanlon 2000, p. 216; Kumar 2003). A principle that imposes only a general imperfect

duty to promote the satisfaction of human rights may better accommodate the claims of those in need and the claims of those who are in a position to help. If, on the contrary, the reasonable rejection clause is interpreted as granting automatic priority to basic subsistence needs, then contractualism is likely to collapse into the marginal utility argument that has already been considered above.

Other authors may want to apply Rawls' reflective equilibrium to think about our duties to help those in desperate need. I am under the impression that this method would support the conclusion I am defending here. In fact, Rawls' rejection of utilitarianism relies on the fact that this view contradicts the powerful intuition that human beings are separate people with their own lives to lead. If, as Rawls assumes, this intuition constitutes a fix point in moral reflection, then our general duties to help others can only be constructed as imperfect, as any theory supporting the opposite conclusion may fail to achieve reflective equilibrium with it (see Rawls 1999, pp. 24–25).

The conclusion so far is that if we accept that every human being enjoys intrinsic dignity, then our obligation to promote the human rights of others when we have not contributed to undermining their agency can only be construed as an imperfect duty. Otherwise, the dignity constraint would be infringed and people would become slaves to morality (Wolf 1982, p. 421). As a result, our obligation to advance human rights is not correlative with rights because it provides agent-relative discretion to decide when, how, and to what extent to perform actions improving the situation of others. We may, for instance, choose to help the victims of a natural disaster in Haiti by donating food, or choose to help the victims of human rights abuses in China by engaging in human rights activism, or choose to help those who are starving in Malawi by donating money to charity. We may even decide not to help anyone today because we prefer to assist others in the future (Gregor 1963, p. 102; Hill 1971, p. 61). Therefore, no individual agent is entitled to having her human rights satisfied by us in specific ways.

For the same reason, our general duties to promote the satisfaction of human rights are not enforceable. In order for a duty to be enforceable, adequate information regarding what particular agents ought to do and when they ought to do it must be available. However, when duties are imperfect, this condition is impossible to satisfy. No imaginable agency can gather reliable data regarding the amount of aid we have already provided, our relevant plans and commitments, or the importance we attach to them. It is true that there are often external agents judging whether we have done enough to live up to our positive responsibilities, such as in cases involving duties of care, trusteeship, or negligence. But these responsibilities are normally framed by perfect legal duties defining background standards of behavior, and refer to actions we have performed or failed to perform in specific situations rather than to our conduct throughout a full life span. This appears to be a relevant difference that may help understand why in spite of the fact that some of our positive duties may be enforceable, imperfect duties to promote human rights satisfaction are not.

## Two Objections Considered

In this section, I wish to consider two important potential objections against the view I am suggesting. The first objection claims that in spite of being imperfect, our duties to promote the satisfaction of human rights may nonetheless be

correlative with rights and even enforceable. The second objection maintains, instead, that this view is problematic because it cannot account for the nature of rescue duties and the particular stringency we attach to them in ordinary moral reasoning. I will deal with these objections in turn.

### **Imperfect Duties, Rights, and Enforceability**

In a recent article, Sofia Stemplowska argued that there is an easy way to perfect imperfect duties. Her suggestion is that those people whose basic needs are unmet may claim assistance from any other agent in a position to help them by demanding the provision of whatever they may reasonably need. In turn, the selected person may only avoid satisfying the request if she has already performed equivalent helpful actions, or has simply delayed in performing them to a reasonable extent. What is more, according to her, this claim may be enforced by courts endowed with the power to compel those who have not taken adequate steps to fulfill any reasonable demands directed against them (Stemplowska 2009, p. 482. See also Feinberg 1984, pp. 62–63).

Although provocative, this proposal deeply misconceives the notion of imperfect duties. As already explained, these duties involve an irreducible subjective component. In view of this component, it is hard to figure out how any external agent may judge whether we have done enough. Even if someone could prove that during a certain period of time we did nothing to promote the human rights of others, this does not mean that we have infringed any imperfect duty. Consider, for instance, the case of a young academic in the first years of her career. She may decide to devote most of her energy to working towards tenure and postpone the promotion of human rights until she gets it. Or consider, instead, the case of an amateur writer who decides to invest all her spare time in finishing a novel. Because imperfect duties grant us agent-relative discretion, these would be perfectly legitimate moves.

More importantly, the very notion of an imperfect duty implies that duties bearers have no obligation to perform particular actions on particular occasions in benefit of specific others (Meckled-García 2013; Feinberg 1984; Hope 2013; Lamb 2010). While other people may of course have a claim that we take seriously into account the aim of promoting the universal realization of human rights, no one has a claim that we promote her human rights by carrying out any particular actions, not only for reasons of feasibility but also for principled reasons. Burdening agents with an obligation to satisfy the plights of those in need whenever their request is reasonable would be terribly disruptive of the former's own agency and would evidently infringe their right to set and pursue their own legitimate aims. Therefore, a person in need is not entitled to our fulfillment of her needs on demand.

Alternatively, it has been argued that those whose human rights are in peril hold a group right to be aided by others. Imagine, for instance, that there are two groups of people: the rich and the destitute. No particular rich person has a duty to assist any particular destitute person, and no particular destitute person has a corresponding right to be assisted by any particular rich person. This notwithstanding, the destitute, as a group, may hold a right that the rich promote the satisfaction of their urgent needs, either through direct action or by coordinating efforts to bring about adequate intermediate institutions. Consequently, if the rich refused to undertake the required actions, they would not only be infringing their

imperfect duties to promote the agency of others but they would also be violating the rights of the destitute as a group (Ashford 2007, pp. 216–217).

There are at least three problems with this argument. First, it is uncertain whether acknowledging that the poor have a group right of this sort would make any relevant difference. In practical discourse, rights are valuable because they require that specific agents perform specific actions in benefit of specific others. In the case we are considering, however, the putative collective rights of the poor amount to a vague claim that the rich do something to improve their condition. Therefore, recognizing that they have a collective right to be helped by the rich makes no distinct contribution in this respect. Another reason why rights are valuable is that, at least according to some moral accounts, they justify the imposition of obligations on others. But the tenet that the rich have an imperfect duty to help the poor is granted even if the poor have no correlative rights. Finally, a right may be valuable because it justifies the imposition of sanctions on those who violate it. Yet, as already explained, even if the poor had a collective right to be assisted by the rich, correlative duties would not be enforceable on the count of being imperfect.

Second, it is unclear where the collective right of the poor would come from. The mere fact that someone has a duty to perform an action that would benefit us does not prove that we are entitled to their performance of that action (O'Neill 1996, chapter 5). For instance, although I may have a duty to help my mother refurbish her house, she has no correlative right to my assistance—unless, of course, I have promised to help her. This suggests that before a right can be correlated with a pre-existing obligation, the existence of the right must be established on independent grounds. It is true that many human rights protect paramount human interests. This is why we have perfect duties not to contribute to their violation as well as imperfect duties to strive for their universal realization. But this does not mean that everyone is entitled to seeing their agency improved by those who have not contributed to infringing their human rights. In fact, it seems that any such right would infringe the dignity constraint.

Finally, there is no cogent reason to construct our imperfect duties to promote human rights as a collective obligation. A collective obligation exists only when there are several agents who have a duty to work together to bring about a certain state of affairs or perform a certain joint action. Yet, in principle, our imperfect duty to promote the satisfaction of human rights is not a duty to work together with others to achieve any goal in particular. Even if coordinating with others to bring about adequate intermediate institutions were feasible and constituted the most effective means for promoting the satisfaction of human rights, depending on their personal aims, some people could choose to discharge their duties through direct action. Therefore, the conditions for claiming that there is a group obligation have not been met, which means that there is no corresponding group right.

### **Imperfect Duties and Rescue**

The second objection claims that the view I have suggested cannot account for the nature and particular stringency we assign to rescue duties. In recent specialized literature there is an intense ongoing debate regarding how to characterize these duties. However, there is some consensus among scholars that agents bear rescue duties in emergency situations in which they can prevent someone from dying or from being



severely injured without sacrificing anything of comparable importance (Igneski 2001, pp. 605–616; Smith 1990; Whelan 1991; Feinberg 1984, p. 57). To illustrate this, imagine once more that you came across a drowning child whom you can rescue with no risk to yourself. As already stated, most people would agree that you would have no agent-relative discretion to decide whether to perform the rescue or not.

This conclusion may be very problematic for the view I have suggested because it conceives our general obligations to help others as imperfect duties. There are two possible responses to this objection. The first insists that rescue duties are imperfect. To see why this claim may be plausible, suppose that you are a professional pianist and the water in the pond contains a strange chemical that may diminish the sensitivity in your fingertips. Of course, if you perform the rescue you will still be able to lead a normal life and go on playing the piano. But you will no longer be able to master the most challenging pieces. In such case, it is unclear that you have a duty to perform the rescue. After all, that may depend on how important being able to play those pieces is to your personal self-realization. If this conclusion is sound, then rescue duties may be imperfect. Naturally, many readers may have opposite intuitions. This thought experiment is not aimed at conclusively proving that rescue duties are imperfect. It is simply aimed at suggesting that it is not completely unreasonable to think that they are.

Importantly, even if they were imperfect, rescue duties could still be particularly stringent. Although we may decide not to attend a public demonstration for freedom of expression in Venezuela just because we prefer to finish an essay tonight, the need to finish that essay would not give us comparable discretion to prevent someone from dying. Depending on the circumstances, failing to perform an action of the kind that imperfect duties require may suffice for proving that the agent has adopted a maxim of indifference towards the mandatory end (Gregor 1963, p. 100; Hill 2002, pp. 208–209). Letting someone die just because you do not want to ruin your clothes or because you want to finish an essay suggests that you fully reject the compulsory goal mandated by your imperfect duty to promote the agency of others, and that would certainly count as an infringement of your duties. Furthermore, as rescue duties are duties to act in very specific and well delineated situations, third parties may be in a better position to assess whether our rationale for not discharging them was reasonable (Feinberg 1984, pp. 60–63).

The second possible response concedes that rescue duties are perfect and even enforceable, but claims that they apply only to situations exhibiting certain very well-defined features. These situations may be characterized as one-off cases in which an agent is directly confronted with a situation that urgently demands immediate action which the agent can perform at a minimal cost or risk to herself (Smith 1990; Smith 1991; Whelan 1991; Feinberg 1984). To illustrate this point, imagine that you are driving across the country and stumble upon someone who has been seriously injured in a car accident. It may be reasonable to think that you have a perfect duty to stop and provide the victim with minimal aid, but it does not follow that all our duties to advance human rights or assist others in dire straits are also perfect. To see this, suppose that instead of stumbling upon a car accident someone at a gas station tells you that a nearby town has been recently devastated by a flood, leaving its residents in dire conditions. It would be controversial to maintain that your duty to help them is comparable to your duty to aid the victim of the car accident (Smith 1990, p.



27; Feinberg 1984, p. 66).<sup>8</sup> Whereas assisting people at grave risk in singular emergency situations would normally not interfere with your capacity to lead your own life, assisting everyone who may need your help would completely erode it. Consequently, if the dignity constraint is accepted, then the duty to help those in the devastated town would not count as a rescue duty. And for the same reason, your duty to promote the fundamental human rights of distant strangers would not count as a perfect duty either.

## What Are We to Do? Bringing Imperfect Duties Down to Earth

It is now time to explain what individuals are supposed to do to promote the human rights of others. Many readers may be tempted to conclude that imperfect duties are just obsolete obligations. From their perspective, having an imperfect duty to assist those whose human rights are in peril may mean that there is almost nothing we must do for them. This is not true, however. Advancing the satisfaction of human rights is a genuine moral commitment that people must take seriously into account as moral agents (Hope 2013, p. 97; Meckled-García 2013). In order to make sense of this commitment, it may be convenient to provide some general guidelines for those who are in a position to help.

The imperfect duty to advance the fundamental human rights of others may enter our moral reasoning at two complementary levels. First, when setting our own aims, preferences, and projects, we must bear in mind that promoting the satisfaction of human rights is an obligatory end. Thus, our personal projects must be balanced against this goal (Hill 2002, p. 206). Of course, moral agents are free to set any aims they deem valuable for themselves in view of their character and unique personal standpoint. Otherwise, the dignity constraint would be infringed. But anyone who embraces plans that require completely ignoring the plights of others deploys a vicious personality and neglects her more fundamental responsibility as a moral agent. Similarly, when there are alternative projects that may be equally self-realizing for us, we have moral reasons to prioritize those that allow for a greater margin for promoting the universal realization of human rights. Imagine, for instance, that a young student has to decide whether to become a philosopher or a medical doctor. Both paths are equally appealing and she thinks that both may lead to her self-realization. If becoming a medical doctor may increase her capacity to assist those whose human rights are in peril, then she has reasons for choosing that option.

Second, once our personal projects have been established, we must carefully evaluate how any particular action, or course of action, may affect their realization (Gregor 1963, p. 105). It is true that most of the things we do in everyday life somehow contribute to fostering our plans and aims. Even a trivial action such as going to the movies may add to the enjoyment of the arts or the cultivation of friendship. However, not everything we do is equally important for realizing our aims, nor are all our aims equally important for our happiness or self-realization. Thus, when an action advancing

<sup>8</sup> Joel Feinberg has persuasively argued that rescue duties are enforceable and correlate with the rights of others. Yet, he makes a clear distinction between easy rescue duties and more general duties to aid the poor, which he defines as non-enforceable “acts of charity discharging an imperfect obligation” (Feinberg 1984, p. 66).

the human rights of others is not disruptive of the projects we regard as essential, we have strong reasons to carry it out. Although there is no objective formula for knowing exactly which actions to perform, we must exercise integrity in moral judgment and act in accordance with this honest deliberation.

There are, in turn, three additional variables that may help us refine our understanding of what imperfect duties require from us. The first variable relates to our capacities. When people have low incomes and cannot help but spend long hours working for a decent existence for themselves and their families, performing actions that advance the human rights of others may be too costly for them. However, when they are relatively affluent, acting to improve the satisfaction of human rights may be less disruptive of their important pursuits. Thus, the rule is that the greater your capacity and resources, the more you should consider helping those in dire straits.

The second variable has to do with our character, preferences, and the nature of our personal projects. If you are, for instance, a professional philosopher, then traveling to distant regions to aid the victims of an epidemic may be terribly burdensome for you. Yet you may easily join a political party, volunteer in human rights organizations, or work in framing and promoting proposals for an institutional reform. You may even enjoy engaging in such activities. Similarly, if you are an extremely busy business person, devoting time to political activities may severely interfere with your plans. Yet you may make significant donations to charities, strive for fair labor regulations within your sphere of influence, or help poor people organize themselves and develop small cooperatives to overcome destitution. In this respect, an interesting feature of imperfect duties is that they give us a broad margin to decide what sort of actions to undertake in view of our preferences and skills. It is our main responsibility to single out the activities that we can carry out more easily in view of who we are, and engage in those that are likely to help more people, or those people whose plights are more urgent.

Finally, the third variable refers to the number of people who need help and the urgency of their needs. In a world in which almost everyone had secure access to the objects of their fundamental human rights, our imperfect duties to advance their realization would tend to be less demanding of us. Performing just a few actions to promote their satisfaction over an entire lifetime would suffice to discharge them. However, when millions of human beings are starving, we may need to do a lot more to live up to our obligations. Thus, it seems that under present conditions, relatively well-off individuals must do as much as possible to promote the universal realization of human rights.

## **Concluding Remarks**

In this essay, I have argued that our moral duties to promote the fundamental human rights of others are imperfect. This means that they confer agent-relative discretion on us to decide when, how, and to what extent to contribute to their advancement in view of our own existential plans and personal commitments. Furthermore, I have tried to prove that these duties are neither correlative with rights nor enforceable. The main reason for this is that constructing them as perfect duties would interfere with the capacity of potential duty bearers to lead a self-shaping life. This not only would infringe their dignity as unique separate agents but also may undermine the very values that current human rights practice aspires to serve.

This essay is expected to make two specific contributions to ongoing debates in the field. The first contribution is to fill an important gap in the humanist account of human rights by exploring a more general philosophical debate on the limits of beneficence. As already explained, this view regards human rights primarily as ethical demands that compel individuals to work towards bringing about their universal realization. Yet most of its advocates appear to provide no precise guidelines as to how to construct this obligation. As a result of this, the humanist account remains partially incomplete and is unable to guide our actions in this respect. If the argument in this essay is palatable, then we have strong reasons to think that individuals' obligations to advance human rights are imperfect.

The second contribution is to motivate many political theorists to redirect their philosophical efforts. To a good extent, the notion of imperfect duties is still an unexplored category. Developing this concept and explaining to morally motivated people what imperfect duties require from them may be a more promising path for improving the life prospects of those whose fundamental human rights are currently unmet. In this vein, I have made an attempt to explain that far from being empty requirements, imperfect duties are quite demanding obligations. They require not only that we take the aim of promoting the satisfaction of human rights seriously but also that we frame our goals, projects, and life plans in accordance with that aim.

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