Abstract Abstract The recent transnational wave of destruction that was caused by the earthquake-induced tsunamis in South East Asia has raised the issue of global justice in terms of the rights of victims to expect aid relief and the moral responsibility of the rest of the world to provide it. In this paper I will discuss the issue of global ethics in terms of positive rights that people have to assistance from others when they cannot provide such assistance themselves. The main object of the paper is to demonstrate that positive rights are universal and global in scope and cannot therefore be restricted by any national, religious, cultural or other social boundaries. Such rights provide a rational and ethical foundation for global justice that is cosmopolitan. The argument for the position offered in the paper will be broadly based on the moral philosophy of Alan Gewirth.
Positive Rights and the Cosmopolitan Community: A Rights-Centered Foundation for Global Ethics

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A Biographical Outline

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He is the founder and producer of the *Theatre of Philosophy* project whose aim is the introduction of philosophy to the general public through drama and audience participation through discussion. Conceived by Edward in 1997 now in its 10th year, the *Theatre of Philosophy* project combines philosophical talks presented by academic philosophers with original plays performed by professional actors in public forums which can take the form of a restaurant, pubs, theatres, vineyards, opera house, or other type of venue accessible to the public. In 2004, the philosophy play *The Philosophy of Love: Love in the Age of Terror* by Edward Spence was performed at the Sydney Opera House.

**Key Words:** Gewirth, Rights, Cosmopolitan Community, Global, Ethics.
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Abstract

The recent transnational wave of destruction that was caused by the earthquake-induced tsunamis in South East Asia has raised the issue of global justice in terms of the rights of victims to expect aid relief and the moral responsibility of the rest of the world to provide it. In this paper I will discuss the issue of global ethics in terms of positive rights that people have to assistance from others when they cannot provide such assistance themselves. The main object of the paper is to demonstrate that positive rights are universal and global in scope and cannot therefore be restricted by any national, religious, cultural or other social boundaries. Such rights provide a rational and ethical foundation for global justice that is cosmopolitan. The argument for the position offered in the paper will be broadly based on the moral philosophy of Alan Gewirth.

1. Introduction

In this paper I will examine briefly Alan Gewirth’s derivation of positive rights from his argument to the Principle of Generic Consistency (PGC). I will then offer an extensive analysis and response to what I consider to be the most pressing objection to Gewirth’s thesis of positive rights. In a parallel fashion I will discuss at length the close connection that Gewirth draws between positive rights and community. For as Gewirth himself states, the “…positivity of human rights is of first importance for establishing the connection between rights and community” a connection that is both crucial and central to Gewirth’s project of generating an extensive array of social and institutional rights in his book The Community of Rights (CR).

Due to constrains of space, I will not, however, attempt to provide a justification for his argument for the Principle of Generic Consistency (PGC) on which his derivation of positive

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1 The sources referred to in this paper with regard to Gewith’s moral philosophy will, in the main, be: Alan Gewirth, Reason and Morality (Chicago: University of Chicago Press, 1978) and Alan Gewirth, The Community of Rights (Chicago: University of Chicago Press, 1996). For ease of reference, Reason and Morality will be referred to in the body of the paper as RM and Community of Rights as CR.

2 Alan Gewirth, The Community of Rights, (Chicago: University of Chicago Press, 1996); The Community of Rights will henceforth be referred to in the text and notes as CR, followed by page number.
rights is based, as this will be well beyond the scope of this paper. I offer such defense in my *Ethics Within Reason: A Neo-Gewirthian Approach*, Lexington Books 2006.

Methodologically, I will assume the justification of Gewirth’s argument for the PGC and argue that insofar as Gewirth’s argument for the PGC is justified, his derivation of both negative and positive rights based on that argument provide a *reasonable foundation for global ethics*. This is so for at least five reasons:

1.1 The formal structure of the argument, which requires the rational recognition of rights of freedom and wellbeing for all human purposive agents on pain of self-contradiction (the formal condition of the argument for the PGC), renders those rights universal and therefore at least global in their scope. I say at least global, because as universal rights, the rights prescribed by the PGC could extend to purposive agents of rational species other than human and potentially, if such exist, to extra-terrestrial purposive agents.

1.2 The necessary content for the argument of the PGC provided by the necessary features of action, and specifically purposive action, namely, freedom and wellbeing (the necessary material condition for the argument for the PGC) renders those features and the generic rights to which they give rise, also universal and therefore at least global in scope.

1.3 As Gewirth correctly observes, the positivity of rights is important for establishing a connection between rights and community. This is so not only locally within the boundaries of specific cultural groups and nations, but also globally. For in the absence of positive rights it would be difficult to see how a global community based on universal rights, at least generic rights to freedom and wellbeing could be established. For after all, global ethics presupposes some kind of a global community, a cosmopolitan community if you like, to which global ethics refers and applies. Gewirth’s argument for the PGC, which provides the foundation for not only negative but also positive rights to freedom and wellbeing, demonstrates how a global community based on universal rights could, in principle at least, be established. This might prove more difficult to achieve in practice of course, but establishing the necessary theoretical foundations for global ethics is an essential first step. The paper will show that Gewirth’s theory for positive rights provides a theoretical and foundational step in the right direction.

1.4 Related to the above consideration, Gewirth’s argument from the PGC to both negative and positive generic rights to freedom and wellbeing is not only rationally justified but also practically motivating. This is so because the agent addressed in the argument for the PGC is not some disembodied and asocial abstract agent but any actual putative socially-placed and socially-engaged agent who motivationally values their freedom and wellbeing precisely because they
recognize them as being the necessary enabling conditions for the fulfillment of their own specific individual and communal purposive actions (Spence, 2006).

1.5 Finally, because the argument for the PGC is able to generate generic universal rights to freedom and wellbeing that cannot be denied by any rational agent on pain of self-contradiction, moral relativism which is a serious threat to and a problem for the whole notion and project of global ethics cannot take hold.

Still, however, some people might be concerned that universal rights even to freedom and wellbeing impose a kind of moral totalitarianism or uniformity that denies the undeniable phenomenon of the rich variety and differences in moral experiences in different parts of the world. This concern, however, although understandable, is unwarranted. For although the PGC prescribes a universality of rights to freedom and wellbeing, it does not and need not prescribe uniformity with regard to the individual or communal expression of those rights in different parts of the world.

So long as individuals or social groups from different parts of the world respect the rights to freedom and wellbeing of other people, they can elect and indeed they have the right to, apply their freedom and wellbeing to express themselves in any manner they so wish. Living authentically one’s life idiosyncratically, both individually and socially within one’s particular social, ethnic, religious or gender group is not in any way incompatible with respecting the rights to freedom and wellbeing of others to do the same.

In conclusion of this section, the generic rights to freedom and wellbeing prescribed by the PGC, although universal impose no uniformity on living one’s life as one chooses to, but on the contrary allow for maximal variety of moral experience and expression to both individuals and social groups worldwide, on the proviso of course that people respect each others’ rights to freedom and wellbeing. For all the reasons referred to under (1.1) to (1.5) above, Gewirth’s theory of rights provides a reasonable and, I believe, important and useful basis for global ethics.
2. The Derivation of Positive Rights from the Argument to the PGC

The following derivation of positive rights from the argument to the PGC is that offered by Gewirth himself in his book *The Community of Rights* (CR39-40). To emphasize the parallel structure of the argument to that for negative rights, Gewirth uses numbers followed by “a” that match the steps given in the argument for negative rights. I will reproduce in outline Gewirth’s own summarized argument for negative rights in *The Community of Rights* (CR16-19) so the direct comparison between the two parallel arguments intended by Gewirth (CR39), can readily be recognized.

2.1 Gewirth’s Summary of the Argument for Negative Rights (CR: 17-19)

1. “I do X for end or purpose E.”
2. “E is good.”
3. “My freedom and well-being are necessary goods.”
4. “I must have freedom and well-being”
5. “I have rights to freedom and well-being.”
6. “All other persons ought at least to refrain from removing or interfering with my freedom and well-being.”

By rejecting (6), the agent has to accept (7)

7. “Other persons may (i.e., It is permissible that other persons) remove or interfere with my freedom and well-being.”

And by accepting (7), the agent also has to accept (8)

8. “I may not (i.e., It is permissible that I not) have freedom and well-being.”

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3 It is important to note from the outset that the derivation of positive rights from the argument to the PGC is a separate and parallel argument to that of the derivation of negative rights. Some of Gewirths’ critics failing to appreciate the separate derivation of positive rights from the argument to the PGC, mistakenly ascribe to Gewirth a mere entailed derivation of positive rights from the original derivation of negative rights. This is a mistake which has led to unwarranted and misplaced objections against Gewirth’s thesis of positive rights: Cf. Jan Narveson; see Edward Regis Jr, ed., *Gewirth’s Ethical Rationalism: Critical Essays with a Reply by Alan Gewirth* (Chicago: University of Chicago Press, 1984).
But (8) contradicts (4). Since every agent must accept (4), he must reject (8). And since (8) follows from the denial of (5), every agent must reject that denial, so that he must accept (5) “I have rights to freedom and well-being.”

Every agent must also accept,

9. “I have rights to freedom and well-being because I am a prospective purposive agent.”

10. “All purposive agents have rights to freedom and well-being.”

Hence every agent must accept,

11. “Act in accord with the generic rights of your recipients as well as of yourself.” This conclusion of the argument is the Principle of Generic Consistency (PGC).

2.2 Gewirth’s Parallel Argument for Positive Rights (CR: 39-40)

According to Gewirth⁴,

“Since freedom and well-being are necessary conditions of action and successful action in general, every actual or prospective agent has a general need for their components. Hence, every agent has to accept

(4a) “I must have freedom and well-being.”

This ‘must’ is practical-prescriptive in that it signifies the agent’s advocacy of his having what he needs in order to act either at all or with general chances of success. Now, by virtue of accepting (4a), the agent also has to accept

(5a) “I have positive rights to freedom and well-being.”

⁴ This is an exact reproduction of Gewirth’s own argument for positive rights in The Community of Rights.
For, if he rejects (5a), then, because of the correlativity of positive rights and strict positive ‘oughts’, he also has to reject

(6a) “Other persons ought to help me to have freedom and well-being when I cannot have them by my own efforts.”

By rejecting (6a), he has to accept

(7a) “Other persons may (i.e., It is permissible that other persons) refrain form helping me to have freedom and well-being when I cannot have them by my own efforts.”

And by accepting (7a), he also has to accept

(8a) “I may not (i.e., It is permissible that I not) have freedom and well-being.”

But (8a) contradicts (4a). Since every agent must accept (4a), he must reject (8a). And since (8a) follows from a denial of (5a), every agent must reject that denial, so that he may accept (5a)

(5a) “I have positive rights to freedom and well-being.”

The further steps of this argument are also parallel to the argument for negative rights. Each agent logically must admit that the sufficient reason or ground on which he claims positive rights for himself is that he is a prospective purposive agent, so that he must accept the generalization that all prospective purposive agents equally have positive rights to freedom and well-being. Hence, he must also accept that he has positive duties to help other persons to attain or maintain freedom and well-being when they cannot do so by their own efforts and when he can give such help without comparable cost to himself.”

Positive rights for freedom and well-being are not derived from negative rights to freedom and well-being, as some of Gewirth’s critics have mistakenly assumed, but as the parallel argument for positive rights above indicates, positive rights to freedom and well-being are derived from a separate, albeit, parallel argument to the PGC. As Deryck Beyleveld correctly points out (1991, pp.333-359)
“Positive rights are not established through an application of the PGC, so at best those positive rights are derivations from negative rights established initially from the argument to the PGC, but those positive rights are themselves derived separately through a parallel argument to the PGC”.

3. The Conciliation of Rights and Community

According to Gewirth,

“The positivity of human rights is of first importance for establishing the connection between rights and community. When rights are viewed solely as negative, in that their correlative duties require only noninterference with persons’ having the objects of their rights, the adversarial conception of the relation between rights and community is given ready entry. For persons can fulfill their duties by simply not interfering with or intervening in one another’s actions or projects…Although such interference is itself valuable as an essential part of freedom and of noninfliction of suffering, when it is the sole conception of rights it may lead to a view of society as consisting of atomized, mutually disregarding, alienated individuals with no positive consideration for cooperation in helping to fulfill one another’s needs or interests or for rectifying the extreme inequalities of wealth and power that characterize most societies……As a result, a human society based on positive human rights requires not only that persons refrain from coercing or harming one another but also that they help one another…. Thus positive rights serve to relate persons to one another through mutual awareness of important needs and, as a consequence, affirmative ties of equality and mutual aid. Hence, if there are indeed positive human rights that must be acknowledged as such by every rational agent, then it provides a rational and mandatory basis for the conciliation of rights and community and thus for the mutuality and solidarity of the community of rights (CR31-32).
The above quotation provides Gewirth’s rationale and argument for both the need and the justification for the conciliation of positive rights and community. Gewirth of course is right to emphasize the crucial importance of positive rights for community. For although hell can often be other peoples’ interference with one’s freedom and well-being, people’s indifference and lack of care and assistance when one most needs it at no or little comparable cost to others, can be a worse hell. For most people will, at some point in their lives, need positive assistance from others; for even islands can be adversely affected by famines, floods, earthquakes and tidal waves, as the recent cataclysmic catastrophe in South East Asia, illustrates. Thus both interference and indifference can be inimical to the maintenance of an ethically healthy community. Although necessary, negative rights alone are not sufficient for establishing a mutually supportive and caring community. Positive rights are thus essential for community, not merely locally but globally as well. Gewirth recognizes that the feminist and communitarian concerns regarding the alleged inability of rationalist and universalist ethical theories to adequately account for community, can readily be accommodated by his community of rights thesis which comprises of both negative and positive rights. For Gewirth, the accommodation of those concerns is one of the main theses of The Community of Rights (CR33).

4. Objections to Positive Rights: General Remarks

As with Gewirth’s argument for negative rights, his arguments for positive rights have equally attracted several objections from various critics. Most of these objections repeat some of the mistakes with regard to Gewirth’s argument for negative rights. Yet other objections, as Deryck Beyleveld correctly points out in his comprehensive treatment of those objections,

“…mistakenly treat the argument to the PGC either as establishing, at best, negative rights only, thus interpreting Gewirth’s discussion of the duty to rescue (which is part of his argument from the PGC, already a principle of positive rights) as an attempt to derive positive from negative rights via a question-begging theory of negative causal responsibility, or as establishing non-deontic positive and negative “rights”, which requires the discussion of the duty to rescue to provide

a derivation of positive deontic rights from positive nondeontic “rights” via a similarly question-begging theory of negative causal responsibility.” (1991, 358-359)

In order not to repeat Gewirth’s and Beyleveld’s competent and, I believe, correct responses to those objections, I shall not comment further on those objections. In what follows, however, I will offer an extensive novel analysis of some of the additional motivational aspects that relate more crucially to positive rights than to negative rights. I will argue that although positive and negative generic rights are characterized by a justificatory symmetry, they are by contrast characterized by a motivational asymmetry. Quite simply, more motivation is required to offer active assistance to those in need in accordance with their positive rights to such assistance, than merely to refrain from interfering with the negative rights to their freedom and wellbeing. All things being equal, non-interference is motivationally less demanding and less costly and thus easier to respond to, than positive assistance.

This motivational asymmetry underscores and helps explain several of the objections against Gewirth’s derivation of both negative and positive rights from the PGC. Those objections although primarily intended as objections about justification, are in essence objections about motivation. As such, the objections against negative rights fail because of misdirection. Similarly, concerns raised about positive rights although warranted as concerns about motivation, are nevertheless unwarranted as concerns about justification. By extension, objections based on those concerns fail, as in the case of negative rights, primarily because of misdirection.

5. The Overload Objection

One objection against positive rights that clearly exemplifies the motivational asymmetry between negative and positive rights is the “overload” objection. I will discuss that objection at

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6 The term “generic rights” is Gewirth’s general term for referring to rights, both positive and negative, that are derived directly from the PGC.

some length with the view of critically examining and analyzing the crucial issues concerning positive rights. I will, thereafter, demonstrate how those issues can be dealt with in a satisfactory manner that is in keeping with Gewirth’s Positive Rights thesis (PR thesis). That demonstration will introduce additional and novel elements to the PR thesis that will extend the thesis beyond its original scope in Gewirth’s *The Community of Rights*.

The overload objection claims that positive rights as envisaged by Gewirth would result in an explosion of moral obligations that will overwhelm individual agents. There would in principle be no limit to the extent of duties that positive rights could potentially impose. Gewirth formulates this objection in the form of a rhetorical question,

> “Doesn’t the thesis that persons have positive rights to basic wellbeing entail that other persons who are more affluent or fortunate have correlative strict duties to engage ceaselessly in acts of succor or rescue? The thesis seems to entail that there should be no room for optional ordinary activities; instead it imposes an “overload”: unlimited, open-ended positive obligations that require a drastic, indeed a revolutionary, change in whole ways of life” (CR: 54-55).

Gewirth’s initial response is that the “objection points in the right direction”. For insofar that these unfulfilled rights have a societal basis comprising of a vast array of unfulfilled needs, the correlative duties of those rights “belong in the first instance to government institutions that command the relevant resources” (CR55).

The objection points in the right direction in at least two ways. First, the objection emphasizes the communal component of positive rights, as individual persons would be overwhelmed or “overloaded” if they had to attend to the positive rights of others at all times in all places. This is an objection of scope. Second, the objection points in the right direction by drawing attention to the motivational asymmetry between negative and positive rights that was mentioned above. This is an objection about motivation. For other things being equal, non-interference is less demanding than positive assistance. In the former case you can fulfill your moral obligations with regard to the negative rights of others by virtually doing nothing. In the latter case by
contrast, you can only fulfill your moral obligations to others with regard to their positive rights by doing something to help them. As Gewirth points out, “the need for such argument [argument for positive rights] is especially pressing because positive rights make for greater demands on their respondents than do negative rights.” (CR39).

It is precisely because the demands of positive rights are greater than those of negative rights that they have to be borne primarily by the community as a whole acting through a network of various political, social and other group institutions. By acting as a community in response to the positive rights of others when they cannot protect and preserve those rights by their own productive agency, the motivational burden on individual respondents is greatly reduced if not entirely eliminated. For there would be situations as in the case of the Good Samaritan, when one would be morally required to offer assistance to others when communal assistance is not readily at hand.

Thus, far from weakening Gewirth’s position on positive rights, the overload objection helps to elucidate and lend support to Gewirth’s argument for the close and crucial connection between rights, especially positive rights, and community. For if people cannot always protect and preserve their rights to freedom and wellbeing through their own efforts, then community becomes essential for the protection and preservation of those rights in a two-fold way: By covering the vast scope of those rights through institutionalized assistance that simultaneously increases the scope of the communal motivation for such assistance whilst reducing in turn the motivational burden for such widespread assistance on individual putative agents who may lack the resources and the expertise for such assistance. Such individual agents need not only comprise individual persons but individual countries as well. So for example, Indonesia as a national community may lack adequate resources to lend aid relief to its own citizens affected by the tsunami disaster that struck on Boxing Day 2004. The global community therefore has a duty to respond in offering the required aid relief to the needy citizens of Indonesia and by extension to the Indonesian community as whole. Such duty is logically correlative to the Indonesian people’s positive rights to such global assistance.

Whilst positive rights emphasize the pragmatic necessity for community, community in turn emphasizes the pragmatic necessity for strengthening the motivational basis of positive rights through a network of institutionalized group assistance in both its political and social modes.
Thus the relationship between positive rights, that require more motivational power for compliance than negative rights, and community, that can through various institutionalized groups provide extended and additional motivational power, is pragmatically reflexive and emphasizes the mutuality of human rights that as Gewirth rightly points out “serves to conciliate rights with community” (CR71).

A point worth re-enforcing is that the asymmetry between negative and positive rights is merely motivational and not justificatory. For with regard to justification, though not with regard to motivation and compliance, negative and positive rights are symmetrical. That is, the same parallel rational considerations that are derived deductively from the argument to the PGC ground the justification for both positive and negative rights. As in the case of objections to negative rights, those objections tend on the whole to conflate justification with motivation and compliance, and consequently present objections of motivation and compliance as objections of justification. Although warranted as objections about motivation and compliance, those objections fail as objections about justification. Moreover, as objections of motivation and compliance those objections can be met by showing how the argument for the PGC can avail itself of certain additional motivational strategies for effectuating compliance with its requirements concerning the generic rights of freedom and wellbeing, such as, for example, the inculcation of virtues of character and moral sentiments.

Similarly, as an objection against the justification of positive rights the overload objection fails, though it succeeds in drawing attention to the motivational asymmetry that exists between negative and positive rights. As an objection about motivation, however, the overload objection can be answered by demonstrating, as Gewirth has successfully done in The Community of Rights, the need for addressing the motivational demands of positive rights through institutionalized modes of assistance by the community as a whole. As Gewirth points out, the difficulty of responding to positive rights individually as particular agents, renders community essential for the ethical life because of the need to respond to both the scope and motivational demands of those rights collectively as a community (CR31-32); a difficulty of both scope and

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9 See Edward Spence, Ethics Within Reason: A Neo-Gewirthian Approach, Chapters 5 to 7.
motivation that only the collective agency through its various political and social institutions can adequately and effectively address. According to Gewirth,

“The means of response must be primarily political and institutional rather than individual, although an important kind of individual responsibility must also be recognized.” (CR57)

The institutional response to the justified claims of positive rights can and usually does operate, especially in Western Democracies, in at least five different modes. In terms of hierarchy with regard to the widest possible scope, those institutions are as follows: political, professional, semi-professional voluntary associations, familial, and other social institutions including that of friendship. Political institutions provide the widest scope for offering assistance to those agents who can’t secure it through their own efforts, by providing general assistance with regard to basic welfare services such as health care, education, employment, and housing, amongst others. The primary objective of Gewirth’s *The Community of Rights* is to provide a comprehensive and sustained argument-based support, through the argument for the PGC, for the justification of the protection, preservation and promotion of those basic welfare services by the state’s political and other government institutions. And it is as protector and provider of positive rights that the state according to Gewirth “functions as a community of rights” (CR59).

Professional institutions such as the Police, the Ambulance service, the Fire Brigade and other emergency services, as well as the legal profession through the legal-aid program, can and do provide support for positive rights to individual citizens. For example, a domestic dispute in a household or a house on fire can be attended to more expertly and effectively by the Police or the Fire Brigade than by concerned but professionally untrained neighbors who could not as effectively deal with such emergencies even if they were kindly disposed to do so. Calling the Police or the Fire Brigade would be useful individual positive assistance in most cases, provided of course that those professional services operated adequately and efficiently. To the extent that professional services such as the Police, the Fire Brigade and the Ambulance services, as well as other emergency services are essential in providing positive support for protecting and preserving the positive rights of citizens in specific instances such as violent crime, fire or road traffic accidents, the state is ethically required by the PGC to ensure that those services are both efficient and effective in meeting the justified demands of those rights.
Equally important to the political and professional institutions that can and do provide protection and preservation of the positive rights of individual agents, are semi-professional voluntary associations such as Life Guard Associations which provide positive assistance in protecting people from harm whilst swimming in the sea. That assistance is provided both pro-actively in getting swimmers to swim safely between the flags, for example, and re-actively by going to the rescue of swimmers who may find themselves in a potentially life-threatening situation. Thus once again, such semi-professional voluntary institutions can and do provide valuable assistance in protecting and preserving the positive rights of individual agents in very specific situations, as lifeguards do on the beach each summer in Australia, for example. To the extent that these semi-professional voluntary associations are essential in providing protection and preservation for the positive rights of citizens in certain specific contexts, those associations and institutions are indirectly justified and thus required by the PGC; hence, they should be adequately supported by either the state, or local or municipal government.

Not least important is positive assistance offered to members of one’s family. In countries such as Italy and Greece, for instance, as well as some Asian countries where the welfare assistance offered by the state is sometimes inadequate as compared say to Scandinavian countries, familial assistance becomes crucially important. The family unit in those countries becomes in its role as provider of positive assistance to its members, an effective type of social institution.

Finally, friends are also an important source of positive assistance both pragmatically and psychologically in mutually protecting and preserving each other’s positive rights of freedom and wellbeing when these cannot be otherwise protected through the other institutions listed above. A friend in need is a friend in deed.

What the above analysis shows is that the most adequate, efficient and effective way of meeting the demands of scope and motivation pertaining to obligations arising from the positive rights of individual agents is a communal ethical network comprising of political, professional, semi-professional voluntary associations, familial and other social institutions or associations such as friendships. I will henceforth refer to this network as the Communal Ethical Institutional Network (CEIN).

This communal network or CEIN can provide and in most cases does provide a division of ethical labor which can, at least in principle if not always in practice, overcome the overload
problem of scope and motivation with regard to positive rights. Needless to say, CEIN is not only an effective way of responding to people’s positive rights to assistance locally but globally as well. International charity organizations such as the Red Cross, Oxfam, World Vision amongst others, as well as other similar organizations operating under the auspices of the United Nations, are a prime example of how CEIN can and does operate globally to offer relief and assistance to people in need globally when local CEINs are not able to do so. The example of the recent tsunami disaster in South East Asia is a case in point of such assistance offered by global CEINs.

The justification of positive rights by the PGC together with the overload objection that emphasizes the problem of ethical scope and motivation regarding practical compliance with the demands of those rights, has demonstrated the need for such a communal ethical institutional network. Hence, a communal ethical institutional network is indirectly justified by the PGC as an essential practical means of meeting the justified demands of positive rights of individual purposive agents. Thus the conciliation of rights and community, Gewirth’s thesis that rights and community have a relation of mutual support, is established on the basis of the PGC.

Taking our cue from the principle that “ought implies can”, we can say that the PGC provides the “ought” through its justification for positive rights whereas the communal ethical institutional network (CEIN) provides the “can” of additional motivational force and the means of compliance that are normally not available to individual respondents; moreover, even when available to individual respondents, the wide scope of the correlative duties of positive rights has the potential of “overloading” individual agents with the demands of those duties.

This explanation also helps forestall the objection that there is a contradiction between the claim that the generic rights required by the PGC are universal rights and the claim that their implementation is largely to be left to political and other group institutions. The latter unlike the former introduces a contingency and indeterminacy that undermines the claim for the universal necessity of rights. The objection is answered by distinguishing between the necessary and universal justification of those rights provided by the PGC on the one hand, and the contingent implementation of those rights which requires both psychological motivation and the practical means for effective compliance, on the other. As we saw earlier such implementation can in principle, if not always in practice, be provided by the communal ethical institutional network.
As long as the PGC is capable from within its own dialectical structure in providing adequate motivation to normal rational agents to act according to its requirements, which it is, then the PGC meets the motivational criterion of practical morality. Moreover, the PGC can also, as demonstrated above, account for the practical means of implementing justified claims of positive rights through its indirect justification of CEIN. Hence, the PGC both directly and indirectly can account for the justification, motivation, and the practical means of compliance with regard to positive rights.

6. Ethical Contextualization

According to Gewirth,

“What has emerged…is that the human rights which all persons have as prospective purposive agents are positive as well as negative, and that as positive they involve that all humans have rights to active assistance when they cannot attain by their own efforts the freedom and wellbeing that are necessary goods of action and generally successful action. This result has advanced the conciliation of rights and community because the rights are now seen to require a context of active mutuality and solidarity, especially as these are provided for in appropriate institutions.” (CR70)

As I attempted to demonstrate in the previous section, the “context of active mutuality and solidarity” is provided by the communal ethical institutional network (CEIN). Each node in the network which represents each one of the institutions within CEIN helps to contextualize specific ethical rights and correlative duties within relevant ethical domains which both enhances the ethical motivation and provides the means for practical compliance with the justified claims of those rights. In turn, each node in CEIN contributes to the overall ethical support and maintenance of the whole CEIN. This network is, like the rights it supports, mutually supportive both from the “out-in” and the “in-out” direction: starting with the individual agent at the centre, the network fans out to the other outer nodes of ethical mutual support within the network, which as we saw, encompasses familial, social, professional, semi-professional voluntary associations and political institutions, both local and global. Thus, the
individual at the centre of CEIN supports the state through his tax contributions which the state re-directs inwards through various welfare and other communal collective services to the individual members of the network which comprise of the particular citizens of the state.

Although CEIN is usually bounded by the geographical national boundaries of individual states, those boundaries are, as Onora O’Neill aptly put it, ethically “porous” (2000, pp. 200-202). For example, positive assistance offered in times of famine, earthquakes, war or other natural and conventional catastrophes that may befall other nations, recognizes that ethical assistance transcends national boundaries. In an earthquake in Turkey in which thousands of people were adversely affected by being injured, killed or made homeless, Greece, Turkey’s traditional enemy since time immemorial, was one of the first nations to offer positive assistance for Turkey’s earthquake’s victims. In yet another example, the International Community led by the United States, intervened to offer military assistance to the Albanian population of Kosovo that was facing ‘ethnic cleansing’ by Serbian troops. Most recently, as mentioned above, the International community has gone to the assistance of countries devastated by the earthquake and subsequent tsunamis that hit South East Asia on Boxing Day 2004.

Outside the gamut of natural and conventional global catastrophes, various International institutions like the United Nations, Amnesty International, the Red Cross, Transparency International (a global anti-corruption organization) and other International Human Rights organizations, operate on an ongoing basis to provide information about and offer active positive assistance to individuals or groups of people who are in need of such assistance.

Community, thus, need not only be thought in terms of a mutually supportive local CEIN but equally it can be thought in terms of a mutually supportive global CEIN, comprising of some if not all of the various modes of institutions mentioned earlier. This points to in the direction of cosmopolitanism. That is, that community should be conceived more broadly as a cosmopolitan community comprising of purposive agents who have equal rights to freedom and wellbeing, as required by the PGC. Under this extended conception of global rights, the generic rights of purposive agents, both negative and positive, become the rights of cosmopolitan agents – the rights Citizens of the World have in virtue of being human purposive agents regardless of their nationality, religion, race, creed, gender or social or economic status. Since rational purposive agency alone is sufficient for having the generic rights to freedom and wellbeing then those rights as universal, are the rights of Citizens of the World – the ethical rights of cosmopolitans.
Hence, those rights as supported and prescribed by the PGC require us to view the community of rights as a *Cosmopolis of Rights*.

This global cosmopolis of rights is ethically mutually supportive as its local community of rights counterpart. For international moral activities on the outer periphery of the global CEIN lend support to local moral rights within the inner periphery of CEIN and mutually, local moral activities on the inner periphery lend support to international moral rights on the outer periphery of CEIN.

### 7. Individual Responsibility for Positive Rights

#### 7.1 The Objection from Contextualization

The above discussion has shown that the contextualization of positive rights provided by CEIN furnishes the primary response to the claims of positive rights. And that response could be either local or global. Institutional responses to the claims of positive rights, however, do not exhaust or eliminate the ethical responsibility of individual respondents. For there may be times when there are no life-guards on a deserted beach and the only person who can save a drowning swimmer is you. Thus the ethical assistance that may in normal circumstances be available through CEIN may through lack of spatial proximity not be available. As an individual agent whose assistance is required in saving the drowning swimmer what are you ethically required to do?

According to Gewirth,

“The PGC requires that an agent not only refrain from interfering with his recipient’s freedom and wellbeing, but also that he assist them to have these necessary goods when they cannot have them by their own efforts and when he can give such assistance at no comparable cost to himself. By ‘comparable cost’ is meant that he is not required to risk his own life or other basic goods, and similarly with the other components of the necessary goods of action. To engage in such risk or to incur such cost would involve the possibility or actuality of losing his own life in order to save theirs, and this, rather than maintaining an
equality of generic rights, would generate an inequality in his recipient’s favor.” (RM: 218)

Gewirth goes on to examine a hypothetical case of a man Carr who fails to go to Davis’s rescue. Davis is drowning only yards away but Carr prefers to loll in the sun on the beach than go to Davis’s rescue though he is capable as an excellent swimmer to save Davis from drowning with no comparable cost to him.

According to Gewirth,

“Carr’s failure to come to Davis’s rescue is the cause of the latter’s drowning ….As an omission, it is similar to the signalman’s failure in that, like the signalman, Carr is subject to a valid prescriptive rule that he is blamable for disobeying. In the signalman’s case, it is the rule about giving signals and moving switches; in Carr’s case, it is the PGC’s requirement about helping persons to avoid basic harms and to have basic wellbeing. But unlike the case of the signalman, there may not be an ongoing rule-regulated system of expectations to which Carr’s failure comes as an exception. Even if Carr and Davis live in a society in which, as a matter of empirical fact, persons are not expected to care for one another, Carr’s inaction is still morally wrong. (RM222-23)

In the above passage, Gewirth is comparing Carr’s moral failure to save Davis’s to that of a signalman’s moral failure to turn on a switch which would have averted a train crash. In both cases the omission of the appropriate action led to the death of other agents who could have been saved at no comparable cost to the respondents, namely, Carr and the signalman.

Setting aside any other possible differences between Carr’s culpable negligence to save Davis and the signalman’s inadvertent negligence (let us assume it was that) to turn a switch that would have averted the train crash, a focal difference relevant to the present discussion is the issue concerning the contextualization of the ethical duties of Carr and the signalman as respondents to the positive rights-claims of Davis and the train passengers respectively.
Using Gewirth’s ethical analogy between Carr and the signalman, Jan Narveson has raised an objection against that analogy and the claims of positive rights the analogy is meant to support. I will refer to this objection as the objection from the contractual contextualization of positive rights.

According to Jan Narveson, Gewirth claims that,

“An event … may be caused by a person’s inaction…as well as by his positive action. A train wreck may be caused by a signalman’s omitting to move a switch…If the signalman’s pulling the switch is expected and required in the normal operation of the railroad line…then his failure to pull it is the cause of the ensuing wreck”.

Jan Narveson continues with a response that,

“..with all such arguments there is a fatal flow. The signalman has an antecedent, professional (in this case) duty to pull switches at crucial times. His inaction is a cause because there is an antecedent basis for the positive duty, and thus for positive expectations for action on the part of affected persons. But whether there is such a duty is precisely what is at issue when the question is whether there is a general duty of aid”
(1984, pp. 96-107)

In raising this objection against Gewirth, Jan Narveson commits two errors. First, he conflates the justification of positive rights with the motivation for compliance with the claims of those rights. As an objection about motivation but not justification, Narveson’s objection fails to undermine Gewirth’s argument for the justification of positive rights, though it raises a valid concern about motivation and compliance regarding those rights outside appropriately contextualized environments. Second, he begs the question against Gewirth’s argument for positive rights by claiming that rights can only be supported by pre-existing contractual or institutional expectations and related duties. This and other similar objections are based on the
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which mistakenly attribute the thesis to Gewirth thus misrepresented his internal dialectical derivation of rights from the argument to the PGC. Consequently, by pressing this objection against Gewirth’s argument for the PGC, either for negative or positive rights, those objections beg the question against Gewirth’s argument.

7.2 The Indeterminacy of Positive Rights

As an objection about an individual agent’s ethical duties with regard to claims of positive rights outside contextualized ethical environments, like those described in connection with CEIN above, Narveson’s objection, however, raises a pressing problem about the adequacy of ethical motivation and compliance provided by the PGC to individual agents operating outside CEIN contextualized environments. To deal with this problem we need to first carefully examine and analyze the “comparable cost” qualifying phrase in Gewirth’s argument for positive rights.

According to Gewirth,

“The PGC requires that an agent not only refrain from interfering with his recipients’ freedom and wellbeing, but also that he assist them to have these necessary goods when they cannot have them by their own efforts and when he can give such assistance at no comparable cost to himself. By ‘comparable cost’ is meant that he is not required to risk his own life or other basic goods, and similarly with the other components of the necessary goods of action. To engage in such risk or to incur such cost would involve the possibility or actuality of losing his own life in order to save theirs, and this, rather than maintaining an equality of generic rights, would generate an inequality in his recipient’s favor” (RM218).

Applying the “comparable cost” criterion to the case of Carr and Davis, Gewirth goes on to say that “if Carr were a poor swimmer so that if he tried to swim to Davis he would probably drown himself, he would have no duty to swim out to Davis” (RM230).

See Edward Spence, Ethics Within Reason: A Neo-Gewirthian Approach Chapter 2: 3.4.
The initial problem that we face with the “comparable cost” criterion for determining the duties of respondents with regard to the justified rights-claims of other agents in various specific cases is one of indeterminacy. The problem is largely epistemological. From a third party perspective, can one measure with any degree of certainty the comparable cost to the respondent? Between the spectrum of the alternative two assumptions that (a) Carr was throughout the time of Davis’s drowning, either an excellent swimmer who would have no problem in saving Davis, or (b) Carr was a poor swimmer who would probably drown in any attempt to save Davis, there are numerous other empirical possibilities and variables, each one of which could alter the content of the “comparable cost” criterion. Consider some of the following empirical possibilities:

1. What if Carr had just finished a big lunch? Can we assume that even as an excellent swimmer he would not be endangering his own life in trying to save Davis who let us say was a man of a big and heavy frame?
2. What if this was Carr’s first visit to that deserted beach so he had no knowledge of the conditions of the sea regarding dangerous currents, any sudden drops in sea-level, or a potential shark attack on the further assumption that the beach was in South Australia where attacks by White Pointers or Great Whites are not uncommon?
3. What if the water was also cold which might have induced a potentially fatal asthma attack in Carr?

All these and other relevant variables would have to be factored into the “comparable cost” criterion as probable risks to Carr which would then alter the comparable cost to Carr in attempting to save Davis. This of course has to be done quickly because Davis is drowning. Should Carr take a chance even if it means risking his own life to rescue Davis? Moreover, he is not certain what the risk is. Should Carr be held responsible if he hesitated in going to Davis’s rescue and Davis drowned as a result?

The upshot of the above analysis is that there is an epistemological indeterminacy in ascertaining the “comparable cost” to a respondent in cases of a duty to rescue or active assistance in response to justified positive rights-claims of other agents. That epistemological indeterminacy is both 1st personal and 3rd personal. In the two possibilities examined above, the indeterminacy is 1st personal with regard to Carr who because of that indeterminacy hesitates to act in saving Davis who drowns as a result. We can assume that Carr was not certain of the potential risks to his own life given the various empirical variables canvassed under those two
possibilities. It is also 3rd personal, because we also as 3rd party observers, cannot determine with any degree of certainty the risks to Carr under the above two possibilities. The “comparable cost” under those two possibilities remains thus elusively indeterminate.

It is important at this juncture to note that the epistemological indeterminacy concerning the “comparable cost” criterion described above does nothing to undermine Gewirth’s justification of positive rights. Insofar as one can assist someone in need at no comparable cost to oneself and that comparable cost can be determined with a reasonable degree of certainty, then one has a moral responsibility to respond to that person’s need for assistance. The epistemological indeterminacy described above is contingent upon the epistemological conditions present in each case of rescue or other type of active assistance, is thus variable across different actual specific cases. But the variability concerns not the justification for offering assistance when required to do so, but the motivation and compliance in responding to those requests. For “ought” implies “can”, and even when one recognizes the justification for offering active assistance to others, one may not be able to do so either because of a determinable or indeterminable “comparable cost”. Thus in the case when Carr is an excellent swimmer and there is no determinable comparable cost to Carr, Carr is morally obliged to go to Davis’s rescue. By contrast, in the case where Carr is a poor swimmer and there is a determinable comparable cost to him, in the sense that in all probability he too might drown if he attempted to save Davis, Carr is not morally obliged to go to Davis’s rescue. In the case where the comparable cost to Carr is indeterminate, due to various empirical variables, it is indeterminate whether Carr has a moral obligation to go to Davis’s rescue. The indeterminacy of the “comparable cost” criterion, which is due to the contingency of the variable empirical conditions present in the specific situations that call for active assistance, is also recognized by Gewirth. According to him, “the universality of the rights must take account of the empirical conditions of their possible effectuation.” (CR55).

Although the justification of the universality of positive rights is not affected by the variable empirical conditions, their effectuation with regard to adequate motivation and effective compliance is thus affected. In the case of Carr and Davis, the variable empirical conditions posited by the two possibilities discussed above would affect the effectuation of the positive right of Davis to be rescued without affecting in any way the justification of his right to be rescued. And the effectuation of Davis’s right to be rescued by Carr would be affected by Carr’s diminished motivation to go to Davis’s rescue, caused by his concern of the possible and
indeterminate comparable cost to him in terms of a risk to his own life in undertaking such a rescue. This in turn may cause Carr not to go to Davis’s rescue and thus not comply with the requirements of the PGC out of a concern for his own safety.

The above analysis of why Carr may fail to respond to Davis’s justified claim to be rescued indicates that to the extent that Carr’s own life was at risk in attempting to save Davis’s life, Carr’s non-compliance with Davis’s justified rights-claim is ethically excusable on the basis of the PGC. The PGC endorses a universal mutuality of rights so it would be acting against the PGC’s prescription for Carr’s incurring the risk of drowning himself in trying to save Davis. Supererogatory duties of self-sacrificial heroism or sainthood, though praiseworthy when not foolhardy, are nonetheless not required by the universal mutuality condition of the PGC.

The above analysis is also in keeping with Gewirth’s own analysis of the variables to be considered in situations of a duty to rescue. According to Gewirth there are four variables to be considered (RM230):

I. The kind or degree of harm impending to the recipient.
II. The agent’s knowledge of this harm.
III. His ability to ward off the harm.
IV. The cost to the agent of doing so.

In the two possibilities canvassed above regarding Carr’s duty to rescue Davis, there is an epistemological indeterminacy regarding Carr’s ability ‘to ward off the harm’ from Davis as well as an indeterminacy regarding the cost to Carr in doing so. The epistemological indeterminacy is in turn caused by the indeterminacy of the set of actual and potential empirical conditions present in the specific situation. That is, the doubt regarding Carr’s ability to swim effectively and safely on a full stomach and Carr’s lack of knowledge regarding the swimming conditions of the beach, for example, the prevailing currents, water temperature, the presence of sharks and other variables.

7.3 Moral Conscience

Because of the indeterminacy of the “comparable cost” criterion in Gewirth’s argument for positive rights, that is primarily caused by the variability of contingent empirical conditions that may effect the effectuation of those rights in specific cases, the respondents’ duty to comply
with those rights may itself become under-determined and thus affect the respondents’ compliance with those positive rights-claims. Such indeterminacy could result, as in the two possibilities we examined earlier in regard to Gewirth’s example of Carr’s duty to rescue Davis, in a justified non-compliance of that duty. However, due to the centrality of the respondent’s own knowledge of the relevant empirical conditions in the determination of the respondents’ comparable cost to himself in providing the required rescue, the problem of the ethical escape-clause can arise. Simply put, the problem is this: Insofar as the indeterminacy of the “comparable cost” criterion under variable empirical contingent conditions may effect the effectuation of positive rights-claims, a respondent of those rights could come up with some ‘reasonable’ prima facie excuse not to comply with claims of those rights. Such a ‘reasonable excuse’ would provide such a respondent with an ethical escape-clause which would be in keeping with the “comparable cost” criterion and thus with the requirements of the PGC. In short, given the indeterminacy of the “comparable cost” criterion, a probable risk perceived from within the respondent’s own internal perspective as a risk that could potentially endanger the life of the respondent in a situation like that of Carr and Davies, would provide a respondent with a justified reason not to actively assist another agent.

The term ‘reasonable’ above indicates that the indeterminacy of the assessment of the risk to a respondent’s own basic wellbeing in going to another agent’s rescue, is to be assessed from both the respondent’s own internal perspective as well as from a 3rd party external perspective. However, given the internalist dialectical structure of the argument for the PGC, the respondent’s own assessment of the “comparable cost” to himself in complying with the justified positive rights-claims of other agents, is crucial in the assessment of what is a ‘reasonable’ comparable cost for the respondent.

The concept of moral conscience I will introduce now is helpful in allowing a certain degree of ethical elasticity in responding to other agents’ justified requests for active assistance. The concept of moral conscience allows the individual respondent to decide for oneself what a ‘reasonable’ comparable cost is in complying with someone else’s call for active assistance. For given the epistemological and empirical indeterminacy concerning the “comparable cost” criterion, as well as its sensitivity to a plurality of possible ethical “escape-clauses” that are minimally reasonable within the general context of the requirements of the PGC, the respondent’s motivation for offering active assistance to other needful agents will crucially depend on his moral conscience. Only he is in a position to know whether his ethical escape-
clauses for not rendering active assistance to others are genuine and reasonable. However, even moral conscience can be clouded and made less perspicuous for the agent himself through self-deceiving rationalizations concerning the realistic cost/benefits of active assistance to others. Akrasia is yet another problem. The crucial part that moral conscience plays in the fulfillment of duties relating to positive rights also renders moral character central to the general issue of compliance. The importance of moral character for ethical motivation and compliance thus necessitates the cultivation of reflective and contemplative self-examination and the inculcation of the moral virtues as enhancing motivational means for encouraging positive moral action. It is important that the citizens of the community of rights be more or less virtuous citizens for it then becomes more probable that those citizens will individually offer active assistance to other needful agents when they cannot do so collectively through the communal ethical institutional network.

In keeping with the mutuality condition of rights, the concept of moral conscience applies to recipients as well as respondents of positive rights-claims. An important and central qualification in Gewirth’s argument for positive rights is the qualification “that the agent cannot attain some phase of freedom and wellbeing by his own efforts” (CR42). This as you will recall is the qualification that Gewirth introduces in premises (6a) and (7a), in his argument for positive rights (see 2.2 above).

According to Gewirth,

“positive rights require personal responsibility on the part of would-be recipients of help: the responsibility to provide for themselves if at all possible, prior to seeking help from others……..When it is held that a person’s right to be helped by others is contingent on the insufficiency of his own efforts, this serves to bring out an important limitation on the duty to help and also the direct connection of the human rights with the needs of agency.” (CR42-43)

In the example of Carr and Davis, Davis would have had a prior personal responsibility with regard to expecting assistance of help from Carr or from others, in the event of getting himself into life-threatening difficulties whilst swimming, to ensure that he was reasonably aware of the relevant empirical conditions. Those conditions concerned the currents, the temperature of the
water, sudden drops in sea level, the potential risk of a shark attack, his ability as a swimmer, the likelihood of getting a cramp whilst swimming, the type and strength of the surf, and any other relevant empirical conditions. Swimming in potentially dangerous waters without a reasonable awareness of the relevant conditions and the potential risks pertaining to those conditions, would have been irresponsible on the part of Davis, especially if his swimming under those unknown conditions endangered the lives of others in trying to save him.

Notice that the same indeterminacy that characterizes the respondent’s “comparable cost” criterion similarly characterizes the recipient’s “by his own efforts” criterion. Given the contingency of the relevant empirical conditions and the epistemological uncertainty that may exist with regard to what those conditions are in any one situation, it at once becomes evident how difficult it is to determine with any degree of certainty, at least in some situations, what the respondent’s “comparable cost” and the recipient’s “by his own efforts” contributions should respectively be in cases of rescue or active assistance.

This indeterminacy is also recognized implicitly if not explicitly by Gewirth when he says that,

“This effort qualification raises complex problems about what efforts are realistically available to persons and what their efforts can actually accomplish… there are questions about what degrees of effort may be justifiably demanded of persons within the context of available resources.” (CR42)

Insofar as the indeterminacy arising out of the contingency present in specific situations of rescue or requests for active assistance also effects the “by his own efforts” criterion with regard to the recipient, the concept of moral conscience is also relevant to the recipient. For as much as the respondent must search his own moral conscience in determining realistically the comparable cost to himself in offering assistance to another agent, so must the recipient in turn search his moral conscience in determining that he has done everything possible within his power and available resources to first help himself before seeking the help of others.

As Gewirth points out,
“Far from advocating an open-ended dependence on the help of others, the PGC’s requirement of positive rights aims to develop and maintain for each person the freedom and wellbeing whereby he can have and use as matters of personal responsibility, his own productive abilities, with the efforts they involve.” (CR43)

In short, moral conscience has the same characteristic of mutuality that denotes the generic rights. There is thus a relationship of mutuality between the respondent’s and the recipient’s responsibilities for each to realistically assess the “comparable cost” and the “by one’s own efforts” criterion respectively, in accordance with their own personal moral conscience; on the one hand, the responsibility as a respondent of actively assisting others when one can do so without a comparable cost to oneself, and on the other hand, the responsibility as a recipient of seeking the help of others only after one has done everything possible to help oneself with one’s own abilities and one’s resources.

Moral conscience, however, does not come cost-free. The cost to both respondent and recipient for not acting in accordance with their moral conscience in fulfilling the “comparable cost” and the “by one’s own efforts” criterion respectively, could amount to the cost of cognitive dissonance and the associated moral sentiments of guilt or remorse and other moral scruples and pangs of conscience that generally undermine one’s peace of mind and moral integrity.

Moral conscience is not only relevant at the personal level but at the communal level as well. In the case of global assistance, for example, a national community seeking assistance from the world community must have, according to their collective moral conscience, done everything within its own efforts to assist its own citizens before asking external assistance from other nations. Reciprocally, the world community must search and exercise its own collective conscience to ensure that the assistance offered to other national communities in need is in accordance with a realistic assessment of the “comparable cost” to them. A good illustrative case of this kind of reasoning is the example set by India in the recent tsunami disaster in South East Asia: In electing to help its own citizens affected by the tsunami disaster, it helped to re-direct much needed International assistance to other affected countries in the stricken region, such as Indonesia and Sri Lanka, two of the nations most in need of assistance from the World Community.
8. Conclusion

In this paper I have presented a model for global justice based on positive rights as derived from Alan Gewirth’s argument for the Principle of Generic Consistency. In establishing such a model for global justice, I have followed Gewirth’s thesis that there is a close and crucial conciliation between positive rights to assistance on the one hand and community on the other. I then indicated how the “overload objection” can be met, by arguing that positive rights can be effectively addressed and responded to, through Communal Ethical Institutional Networks (CEINs). Such networks can collectively meet duties to assistance with respect to the correlative positive rights of others, without placing an unreasonable and motivationally impractical burden on individual members of the community to respond to every positive right to assistance placed upon them. Collective communal responses to positive rights to assistance from others through CEINs, also recognizes and is sensitive and responsive to the motivational asymmetry that exists between positive and negative rights.

Significantly, the model of global justice advocated and argued for in this paper, supports not only communal rights locally within existing national and state boundaries but also supports cosmopolitan rights globally. This is because the positive rights that Gewirth’s argument for the PGC supports are universal rights that apply equally to every purposive agent by virtue only of their purposive agency and not in virtue of their membership of any given nationality, race, religion, or cultural, social or familial group. Insofar as these rights are universal and thus global in their application, the model of justice that in turn these positive rights support is also global. It is the justice belonging by right, to Citizens of the World.

References


