> **Social Human Rights Conference**
> 12-14 June 2019, Room A0.28, Millburn House, University of Warwick
> Schedule

Day 1: Wednesday 12 June

9.30 – 10.00   Coffee and Registration

10.00 – 12.00   The Right to Have Rights
                      Elizabeth Ashford, University of St Andrews

                      Interlocking Rights, Layered Protections: Varieties of Justifications for
                      Rights
                      Henry Shue, Oxford University

12.00 – 12.30   Coffee

12.30 – 1.30   A Human Right to Relationships?
                      Stephanie Collins, Australian Catholic University

1.30 – 2.30   Lunch

2.30 – 3.30   The Best Available Parent
                      Anca Gheaus, Pompeu Fabra University

3.30 – 4.00   Tea

4.00 – 5.00   Fair Equality of Opportunity, Social Relationships, and Epistemic Advantage
                      Chiara Cordelli, University of Chicago

7.30   Dinner (for speakers)

Day 2: Thursday 13 June

9.30 – 11.30   What Should the State Recognise? Comparing Marriage and Gender
                      Clare Chambers, University of Cambridge

                      What Becomes of the Right to Marry? Disestablishment and the Value of
                      Marriage
                      Jennifer Brown, UCL

11.30 – 12.00   Coffee

12.00 – 1.00	Social 'Rights' and a Limitation of Human Rights Talk **Simon Hope**, University of Stirling
1.00 – 2.00	Lunch
2.00 – 4.00	Social Rights at Work **Jesse Tomalty**, University of Bergen How Should States Address Loneliness? **Bouke de Vries**, Umeå University
4.00 – 4.30	Tea
4.30 – 5.30	Communication Rights as Social Rights **Rowan Cruft**, University of Stirling
7.30	Conference Dinner at Radcliffe

Day 3: Friday 14 June

9.30 – 11.30	A Right to Belong: Positive Rights to Community Membership **Elizabeth Brake**, Rice University The Right to Participate in the Life of the Society **Kimberley Brownlee**, University of Warwick
11.30 – 12.00	Coffee
12.00 – 1.00	The (Social) Right to the City **David Jenkins**, University of Warwick
1.00 – 2.00	Lunch
2.00 – 4.00	Legitimate Partiality: Permissions, Not Duties **Anca Gheaus**, Pompeu Fabra University, and **Adam Swift**, UCL Do the Elderly Have a Right to Be Loved? **Matthew Liao**, NYU
4.00 – 4.30	Tea
4.30 – 5.30	Concluding Comments **James Nickel**, University of Miami

Abstracts

The Right to Have Rights
Elizabeth Ashford, University of St Andrews

My focus is a fundamental social right that, I argue, has to be recognised by a normatively adequate account of human rights, and yet is surprisingly neglected by mainstream human rights discourse and practice. This is the right that Hannah Arendt refers to as "the right to have rights". It is the right to belong to a moral and juridical community in which the duties correlative to one's rights are acknowledged, attended to, and enforced. A striking feature both of current international human rights law, and of much theorising about human rights, is that there are pervasive accountability gaps: much of the behaviour that predictably and avoidably deprives persons of, or fails to provide them with, the object of a fundamental human right, such as the means of subsistence, is neither acknowledged as a violation nor prohibited. I argue that such accountability gaps are incompatible with genuine acknowledgement of the right and with minimally adequate recognition of the moral status of those who end up deprived of the object of the right. Accountability gaps are therefore a form of depriving persons of the right to have rights. I develop Arendt's suggestion that the right to have rights is a right to belong to the moral and juridical community of humanity, and would have to be met by humanity itself. I argue that fundamental human rights impose on the rest of humanity a shared duty of basic justice to specify and enforce a coordinated global schema of obligations that avoids accountability gaps.

A Right to Belong: Positive Rights to Community Membership
Elizabeth Brake, Rice University

In recent years, a growing number of political philosophers, including myself, have argued that a just state should recognize the importance of certain kinds of interpersonal caring relationships. My own work has focused on citizens' claims of justice to equal access to the social and legal frameworks which support such relationships, such as partnership law. My arguments entail that citizens do not merely have negative rights to freedom of association, but they have claims of justice, which ground positive rights, to the background legal structures and policies which support the formation and maintenance of relationships. We might refer to such rights as rights to belong.

But could the negative right to freedom of association and a positive right to belong ever come into conflict? Does a positive right to access to relationships entail that any individual citizens are required to enter relationships with other citizens to satisfy these claims of justice? By analogy, on some views, a right to healthcare entails that some citizens are obligated to work as doctors. This problem arises at two levels: the interpersonal and the more broadly social. At the interpersonal level, one might worry that stalkers or the very lonely have claims to interaction even with the unwilling. This potential objection, I think, does not pose a serious challenge. First, claims of justice concern background institutions, not individual duties; second, the reciprocal nature of valuable caring relationships means forced care could not instantiate the value. A more serious challenge emerges at the social level: a community might wish to shun certain people. This could occur for xenophobic reasons, but it could also occur when minority communities (LGBT, racial minorities)

seek a communal space free of the discrimination they face outside. In these larger-scale cases, a conflict could arise between the state's role in promoting caring relationships and communal self-determination. Addressing this problem will help to clarify the scope and force of the positive right to belong.

What Becomes of the Right to Marry? Disestablishment and the Value of Marriage
Jennifer Brown, UCL

In this paper I position the right to marry, expressed in human rights law, alongside recent calls for the state's relationship with marriage to be minimised through disestablishment. I make two main claims. The first is that if calls for disestablishment are motivated by a desire to better protect and secure the right to marry for all citizens, establishment fares equally well on that front. The marriages offered by civil society alone will not be sufficient to protect that right. Secondly, if there is no right to marry, this does not mean that marriage is devoid of normative value. Although justice may need to focus on the broader category of intimate, caring relationships, instead of the narrow class of marriage, securing justice for all such relationships does not preclude the establishment of marriage. Specifically, I advance an imperfection principle, which states that when the pursuit of justice leads us to interact with social institutions and their participants, such as marriage, schools, and hospitals, some cultural value will be an inevitable by-product. Rather than purge this value, in order to refine justice, it is permissible to accept and retain it, in cases where justice is not violated or compromised.

A Right to Participate in the Life of Society
Kimberley Brownlee, University of Warwick

This paper analyses what we might call our *social participation rights*, including not only our rights to enjoy and participate in culture, to associate, to practise a religion, and to speak freely, but also our more basic rights to be included in ordinary, non-associative interactions as members of a society. The paper discusses some barriers to interactive inclusion, including chronic acute loneliness. Finally, the paper examines whether non-associative interactions – which are centrally a matter of interpersonal relations – can be incorporated within a human rights framework.

What Should the State Recognise? Comparing Marriage and Gender
Clare Chambers, University of Cambridge

In my 2017 book *Against Marriage: An Egalitarian Defence of the Marriage-Free State* I argue that the state should not recognise marriage. In this paper, I recap those arguments and then consider whether they apply to other state-recognised statuses. I argue that state recognition of gender raises some of the same problems as state-recognised marriage, suggesting that gender is a status that should not be recognised by the state.

Fair Equality of Opportunity, Social Relationships, and Epistemic Advantage
Chiara Cordelli, University of Chicago

Persistent inequalities in employment attainments are not simply a function of differences in educational achievements and discriminatory hiring practices. They are also a function of differences in the kind and scope of social networks that people participate in. Social connections affect economic opportunities not simply by influencing the development of individuals' aspirations, or through favoritism in hiring. Rather, social networks generate a distinctive set of *epistemic goods,* i.e. information and trust, which provide employers with reasons for hiring – other things being equal – those whom they share a social relationship with. Drawing from social capital theory, I argue that fair equality of economic opportunity should include a demand for *fair epistemic opportunity*, that is, a requirement that opportunities for epistemic advantages be fairly distributed. I then examine two ways of implementing this requirement. The first is to *equalize* the opportunity to benefit from epistemic advantages produced by social networks, by equalizing access to these networks through policies of social integration and urban planning. The second consists in cancelling the effects of networks-generated epistemic advantages on individual prospects by imposing on hiring practices a norm of anonymity. I argue there are reasons of justice and efficiency to prefer the latter strategy.

A Human Right to Relationships?
Stephanie Collins, Australian Catholic University

This paper asks whether there is a human right to have 'intimates' – understood as those special few people who provide us with particularised valuing, investment, partiality, and narrative-building. I argue that the interest in intimates is important, universal, and fundamental. However, a human right to intimates faces problems regarding the distribution, demandingness, and motivation of the correlative duties. The result is that individuals bear nothing more (though nothing less) than a 'human right to intimacy consideration.' However, the picture is different when we view intimacy as a group-level interest: an interest held by a group of co-intimates, such as a partnership, friendship circle, or family. Drawing on debates about 'third-generation' or 'communal' human rights, I argue that intimacy is well-construed as a group-level interest. Intimacy groups have rights that outsiders respect, protect, and promote group-level intimacy. These duties do not face the problems of duty distribution, demandingness, and motivation, and they place demands upon states as well as individuals. I propose that we think of intimacy-related human rights primarily as group-held rights.

Communication Rights as Social Rights
Rowan Cruft, University of Stirling

Taking my cue from Seana Shiffrin's thinker-based approach to freedom of speech, and from Kimberley Brownlee's work on the moral right to free thought, I will sketch a distinctively relational, communication-based ground for speech rights as rights to think. In the second half of the paper I will examine how respect for such rights is a necessary form of sociality if democratic decisions are to be genuinely 'our' decisions and hence legitimate. The paper will bring together

work on the nature of rights with work on free speech and thought, to throw light on the place of the public sphere in democratic legitimacy.

The Best Available Parent
Anca Gheaus, Pompeu Fabra University

Children are owed parents – that is, people who control their lives in numerous ways. Children's moral status makes it generally impermissible to sacrifice their interests for the sake of advancing other individuals' interests. Therefore, the allocation of the moral right to parent should track the child's, and not the potential parents', interest. This is the doctrine of the best available parent. This doctrine is at odds with universal practices and laws. Liberal philosophers attempted to explain why mere adequate parents can hold the right to parent. I examine, and refute, two kinds of attempts: one that seeks to partially ground the right in a fundamental interest to parent held by would-be adequate parents; and a second one explaining why procreators have the right to parent if they can do so adequately.

The best available parent doctrine is deeply revisionary. However, two additional qualifications moderate it. First, while parents may exclude others from exercising certain forms of authority over their children, they do not have the moral right to exclude others from associating with the child. Therefore, the most important goods of childrearing can be made available to a large number of adults. Second, children usually come into the world as part of an already existing relationship with their gestational parent; this relationship deserves protection.

Legitimate Partiality: Permissions, Not Duties
Anca Gheaus, Pompeu Fabra University, and Adam Swift, UCL

Many philosophers believe that close relationships generate sui generis duties; i.e. duties that do not derive from the promises that associates make to each other, the gratitude they sometimes owe each other, or the ways in which they are vulnerable to each other. We argue against this view. In spite of their intuitive appeal, sui generis associative duties seem to lack solid grounding. Moreover, permissions to benefit our near and dear are enough to make sense of legitimate partiality. We also discuss other theoretical advantages of assuming that close relationships generate permissions but not duties.

Social 'Rights' and a Limitation of Human Rights Talk
Simon Hope, University of Stirling

One aspect of the communal, interpersonal, and associative elements of life is the idea of a shared way of thinking and acting. I first consider how a certain threat to a shared way of thinking and acting – which Kwame Gyekye calls 'evolutionary disconnect' – can be disorienting to the bearers of that shared way of thinking and acting. I then argue that if we attend to the ethical significance of evolutionary disconnect in post-colonial and decolonising contexts, we are very likely to find reason not to rush to cast injustices in the language of human rights.

The (Social) Right to the City
David Jenkins, University of Warwick

The world's population is becoming increasingly urbanized. In 1900, only 16% of the world's population lived in cities. By 2030, this will have reached 60% and by 2050 it could be as high as 75%. With this demographic shift in mind, the idea of a 'right to the city' is gaining increasing currency with academics, social movements and even governments. However, articulations of this right suffer from a lack of conceptual clarity. In this paper, I propose to do four things. First, I argue that we need to clarify the different possible claimants of a right to the city. I divide these claimants into three: the users, the producers, and the needful. I then suggest different ways in which these bases of the right can conflict with one another. Second, I describe what it is about the city to which people can claim a right. While I accept an important element of this right is democratic control over the city, I argue this does not exhaust the role rights can play in thinking about the shape of urban development. With this in mind, I argue that each of the different claimants have different social needs that need to be met, and these needs act as both a constraint on democratic output as well as providing it with some direction. Finally, and in contrast to much of the literature's rejection of a liberal-rights framework, I argue there is untapped radical energy in a rights-based approach that takes social needs seriously. Any radicalism is not inherent to 'a right to the city' but is to be found instead in an additional, political-economic ontology of the city, which liberals are at liberty to find compelling.

Do the Elderly Have a Right to Be Loved?
Matthew Liao, NYU

The elderly population is growing. Worldwide, the number of persons aged 80 years or over is expected to rise from 137 million to 425 million between 2017 and 2050. As people become older, many elderly persons live alone and are at increased risk of being socially and emotionally isolated. This kind of isolation is associated with a wide range of adverse health effects including dementia and increased mortality. At the same time, research shows that elderly persons benefit both mentally and physically from being socially and emotionally connected. This raises the question of whether elderly persons need this kind of social/emotional connections and whether they have a right to such social/emotional connections. Elsewhere, I have argued that children have a right to be loved. My goal in this paper is to explore whether we can make a similar argument on behalf of the elderly, namely, whether they also have a right to be loved.

Closing Remarks
James Nickel, University of Miami

James Nickel will offer closing remarks on the conference papers and the overarching theme of social human rights.

Interlocking Rights, Layered Protections: Varieties of Justifications for Rights
Henry Shue, Oxford University

This paper explores some aspects of Kimberley Brownlee's arguments for a right against social deprivation, Henry Shue's arguments for subsistence rights and other basic rights, Elizabeth Ashford's development and refinement of one of Shue's arguments, and David Luban's analysis of the concept of a right. The purpose is to distinguish different variants of partly similar arguments and to sketch a typology of the kinds of arguments that can be offered for social rights, among others. All these arguments acknowledge that an individual right may be necessary in order to block a threat to the exercise of other rights and that the other rights may in turn be necessary in order to block threats to its exercise, making the rights interlocking and the protections layered.

Social Rights at Work
Jesse Tomalty, University of Bergen

In this paper, I argue in support of a human right against social deprivation, and I explore its application in the context of labour markets. Kimberley Brownlee (2013) argues persuasively for a human right against social deprivation on the basis of the severely deleterious physical and psychological effects that social deprivation has on those who are subject to it. Importantly, she argues that this right protects people not only against coercive social deprivation, but also against social deprivation that occurs incidentally or accidentally. Turning to the context of labour markets, I argue that workers are vulnerable to social deprivation against which they are owed state protection as a matter of human rights. While social deprivation can be inflicted coercively by employers against their employees, more pervasive are incidental forms of social deprivation arising from the combination of various labour practices and policies. I argue that the human right against social deprivation plays an important role in the justification of labour rights as human rights, as well as in the specification of their content. This is illustrated through discussions of the human rights to decent working conditions, adequate time off, and protection against unemployment.

How Should States Address Loneliness?
Bouke de Vries, Umeå University

For many people, old age comes with an increased risk of loneliness as their social network shrinks with fewer opportunities for rebuilding it. As contemporary liberal democracies are ageing rapidly, this means that levels of loneliness (defined as disutility-inducing perceived social isolation) are expected to rise. Yet despite this worrisome trend, normative theorists have not considered in detail how, if at all, states should address loneliness. Proceeding on the assumption that states have moral duties to help prevent and alleviate loneliness, this article fills this lacuna. It starts by identifying a variety of policies that seek to address loneliness in one of four ways: (i) by helping citizens develop more, deeper, and/or better social relationships with other people; (ii) by promoting social interaction with non-humans, such as pets, socially-assistive robots, and avatars; (iii) by changing citizens' perceptions of their social network as deficient; and/or (iv) by allaying the disutility produced by the mismatch between citizens' desired and realised social network. Next it considers

how choices among anti-loneliness policies are to be made. Here, I argue against the notion that states should simply implement those policies that are most likely to prevent and alleviate loneliness. Though minimising loneliness is found to be a pertinent objective, I propose two side-constraints on minimisation. First, states should ensure that each citizen has a minimum level of access to human social interaction, which I call the 'huminimum proviso'. Second, they should help preserve any close and minimally decent relationships that citizens currently have with other people, animals, or socially-assistive robots, which I call the 'preservation proviso'. Whilst proposing an exhaustive list of policies for realising these goals (which might vary among countries) is beyond this article's remit, I do distinguish several policies that are due on any plausible approach, which address different aspects of loneliness.

Miscellaneous

WIFI: You can go online free of charge at the **Warwick Guest** WIFI network, or via **eduroam**. **Warwick Guest:** This is a self-service wireless network available to short-term visitors to the University of Warwick and is free of charge. Individuals holding University of Warwick IT login credentials (e.g. current staff and students, longer term visitors) are not allowed to use this service.

To access this service, you will need a suitable notebook or handheld device equipped with a Wi-Fi standard wireless adapter. Most portable devices come with this type of network connectivity installed as standard. Registration for Warwick Guest is completely self-service. Once you connect your device to the Warwick Guest network, use a web browser to complete the registration process and your password will be sent to your mobile phone as an SMS text message.

Twitter: Please tweet about the conference at #socialrights2019

Acknowledgements

Notes