

An Argument Against Welfare Rights¹

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1. Introduction

Imagine that the majority of people in the United States working in agriculture, healthcare, and education quit their jobs.² Food, healthcare, and educational services are in short supply, and many U.S. residents suffer as a result. Have the rights of those who are suffering been violated by this mass exodus from jobs? One could argue that the answer is “yes,” if we assume that there are rights to have access to basic necessities such as food, healthcare, and education—rights that are often referred to as *welfare* rights.³ Now that there are so few

¹ Fred Miller was a member of my dissertation committee. At one point, the topic of my dissertation was the question of whether or not welfare rights are compatible with a right to liberty. Although I ended up writing my dissertation on something else, I never lost interest in that question. I’d like to think of this article as a short version of what my dissertation would have become had I not switched topics. As such, this article reflects much of Fred’s input and guidance. For his help (and patience!), I am deeply indebted.

² This thought experiment may remind the reader of the “mind strike” depicted in Ayn Rand’s novel *Atlas Shrugged* (New York: Random House, 1957). Unlike the scenario in that novel, my thought experiment does not involve any assumption about the motives that lead all these workers to quit their jobs. Although my argument against welfare rights is similar to arguments made by Randian Objectivists, it does not presuppose any particular moral theory (e.g., ethical egoism). For an Objectivist-inspired argument against the right to healthcare that is similar to my argument against welfare rights generally, see Robert M. Sade, “Medical Care as a Right: A Refutation,” *New England Journal of Medicine* 285, no. 23 (1971), pp. 1288–92.

³ The international community recognizes such rights in articles 25 and 26 of the United Nations’ Universal Declaration of Human Rights. (Other articles in that document, e.g., articles 23 and 24, also, arguably, mention welfare rights.) I think it is no exaggeration to say that the mainstream view among

people providing food, healthcare, and education, residents of the U.S. are denied what they have rights to.

If our former agriculture, healthcare, and education workers have violated anyone's rights, what are the implications? For one thing, it was unethical for these people to quit their jobs, so they were obligated to stay in their professions. And if it was wrong for these people to quit their jobs because others would no longer have access to the objects of their rights, then it appears persons have a duty to go into these careers when there aren't enough people in these professions to meet the demand for their services. Additionally, if we assume that the rights in question are *prima facie* enforceable by governments, then our former agriculture, healthcare, and educational workers are liable to being forced to go back to work.⁴ And if, somehow, there are still not enough people in these professions to meet the demand, then it appears the government may force additional people to work these jobs.

So far, the discussion has centered on a thought experiment. Now let's turn to the real world. Across the globe, people suffer from lack of healthcare as a result of a shortage of medical workers.

contemporary political philosophers is that there are such rights, at least in the general sense that justice entitles people, either as human beings or members of a political community, access to a set of goods and services that one can *at least* subsist on, if not a larger set of goods and services. There are too many authors who defend welfare rights to list all of them. However, a representative sample includes Elizabeth Ashford, David Copp, Alan Gewirth, Pablo Gilabert, James Griffin, James Nickel, Rodney Peffer, Raymond Plant, Amartya Sen, and Henry Shue. Thomas Pogge's view is difficult to classify because he claims only to be defending, in the first instance, negative duties of justice. Positive duties of justice are indirect, in the sense that they are duties to compensate victims of injustice. Welfare rights, in the way I understand them, directly entail positive duties. In this case, Pogge does not, strictly speaking, defend welfare rights. Nonetheless, Pogge's work has been a huge influence on theorists who do defend welfare rights. See Thomas Pogge, *World Poverty and Human Rights*, 2nd ed. (Cambridge, UK: Polity, 2008).

⁴ I am unaware of any defenders of welfare rights who deny that they are *prima facie* enforceable. However, some authors deny that it is part of the *concept* of a moral right that it is *prima facie* enforceable. For instance, see John Tasioulas, "The Moral Reality of Human Rights," in *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* ed. Thomas Pogge (Oxford, UK: Oxford University Press, 2007), pp. 75–101, at pp. 85–88; Allen Buchanan, *The Heart of Human Rights* (Oxford, UK: Oxford University Press, 2013), chap. 2.

According to the authors of a recent study, “Based on minimum threshold estimates for reaching a UHC effective coverage of 80 out of 100, national health workforce shortages in 2019 amounted to daunting totals: approximately 6.4 million physicians, 30.6 million nurses and midwives, 3.3 million dentistry personnel, and 2.9 million pharmaceutical personnel.”⁵ Over half the shortfall in each category is attributable to shortages in Sub-Saharan Africa and South Asia. A large proportion of physicians from these regions end up moving to high-income countries, most often the United States and the United Kingdom.⁶ With respect to education, UNESCO estimates that in Sub-Saharan Africa, an additional 16.5 million teachers are needed to achieve universal primary and secondary education by 2030. At current rates of annual teacher growth, this goal will not be achieved.⁷ If access to healthcare is a right, then haven’t physicians from Sub-Saharan Africa, South Asia, and other developing countries who have migrated to high-income countries violated people’s rights? If rights are enforceable, shouldn’t developing countries force their physicians to practice medicine at home? If education is a right, don’t many of us have an obligation to teach in Sub-Saharan Africa? Might some African governments be entitled to coerce people to teach?

The line of reasoning presented so far might seem absurd. Few advocates of welfare rights say that there is a duty to work in agriculture, healthcare, education, or any other line of work, let alone that people may be forced to do so. In fact, advocates of welfare rights generally reject such notions.⁸ All of this is true. Nonetheless, I will argue that if people do have welfare rights, then others have duties to

⁵ Annie Haakenstad et al., “Measuring the Availability of Human Resources for Health and Its Relationship to Universal Health Coverage for 204 Countries and Territories from 1990 to 2019: A Systematic Analysis for the Global Burden of Disease Study 2019,” *Lancet* 399, no. 10341 (2022), pp. 2129–54, at p. 2143. “UHC” stands for Universal Health Coverage.

⁶ Ehui Adovor et al., “Medical Brain Drain: How Many, Where and Why?” *Journal of Health Economics* 76 (2021), article no. 102409.

⁷ United Nations Educational, Scientific, and Cultural Organization, *Transforming Education from Within: Current Trends in the Status and Development of Teachers* (Paris, FR: United Nations Educational, Scientific, and Cultural Organization, 2022), pp. 5–6.

⁸ There are some exceptions, as we shall see in Section 3.

become things like farmers, doctors, teachers, etc., that is, goods and service (GS) providers. This follows from some commonplace assumptions about rights that every rights-theorist would assent to.

2. The Argument

Welfare rights are claim-rights and, as such, entail duties. My argument that welfare rights entail duties to become GS-providers assumes a very modest correlativity thesis regarding claim-rights and duties.⁹ The modest correlativity thesis (MCT) is:

If A has a right to ϕ , then someone, in circumstances in which it is feasible, has a duty to make sure ϕ obtains, where such a duty is understood as at least being a *pro tanto* obligation.

MCT is compatible with a wide range of views regarding the relationship between rights and duties. For instance, MCT is entailed by, and so is compatible with, an interpretation of rights that treats all rights as Hohfeldian-claims.¹⁰ On such an interpretation, a right only entails a single duty, namely, a duty with the same content as the right. Also, on this Hohfeldian view, the duty-bearers are always identifiable individuals or groups of individuals (the identifiable individuals may include every living person). To sum up the Hohfeldian view, rights entail, and only entail, duties that assign specific actions to specific individuals.

Although MCT is entailed by the Hohfeldian view, the reverse is not true. MCT does not say that rights necessarily entail duties with identifiable duty-bearers. For instance, MCT allows that I may have a right to assistance in a life-threatening emergency without it being specified who owes me assistance. Even at the time of a life-threatening emergency, there may be no one *in particular* who is obligated to help me, even though *someone* must. Therefore, MCT allows for the rejection of the view that all rights must be claimable against specific individuals.¹¹ Also, MCT does not say that for every

⁹ Henceforward, I will use “rights” and “claim-rights” interchangeably.

¹⁰ Wesley Newcomb Hohfeld, *Fundamental Legal Conceptions as Applied in Judicial Reasoning and Other Legal Essays*, ed. Walter Wheeler Cook (New Haven, CT: Yale University Press, 1919).

¹¹ This view is commonly associated with Onora O’Neill. See Onora O’Neill, *Towards Justice and Virtue: A Constructive Account of Practical Reasoning* (Cambridge, UK: Cambridge University Press, 1996), pp. 128–36; Onora

right there is only a single duty with the same content as that right. For instance, MCT is compatible with Henry Shue's view that for every basic right, there are *three* types of duties: "Duties to *avoid* depriving Duties to *protect* from deprivation Duties to *aid* the deprived."¹² It is also compatible with Joseph Raz's view that rights are *dynamic*: they give rise to new duties in new circumstances.¹³

MCT does mention performance of an action that is sufficient to bring about ϕ . In *that* sense, MCT says there is *some* duty with the same content as the right. However, MCT allows that the action which would be sufficient for bringing about ϕ may not be currently feasible. In such a case, we might wish to say that the right to ϕ entails duties on others to take actions to make what is not feasible today feasible tomorrow.¹⁴ MCT can even accommodate a view of rights which holds that a right to ϕ may exist not only when bringing about ϕ is currently not feasible, but even when there is no remote possibility of ever being able to bring about ϕ .¹⁵ This is possible because MCT only makes the conditional claim that *if* bringing about ϕ is feasible, *then* someone has

O'Neill, "The Dark Side of Human Rights," *International Affairs* 81, no. 2 (2005), pp. 427–39. For criticisms of O'Neill's view, see Elizabeth Ashford, "The Inadequacy of Our Traditional Conception of the Duties Imposed by Human Rights," *Canadian Journal of Law and Jurisprudence* 19, no. 2 (2006), pp. 217–35; Elizabeth Ashford, "The Duties Imposed by the Human Right to Basic Necessities," in *Freedom from Poverty as a Human Right*, ed. Pogge, pp. 183–218; Tasioulas, "The Moral Reality of Human Rights," pp. 88–95. For a defense of O'Neill's view, see Stephanie Collins, "The Claims and Duties of Socioeconomic Human Rights," *The Philosophical Quarterly* 66, no. 265 (2016), pp. 701–22; Cristián Rettig, "The Claimability Condition: Rights as Action-Guiding Standards," *Journal of Social Philosophy* 51, no. 2 (2020), pp. 322–40.

¹² Henry Shue, *Basic Rights*, 2nd ed. (Princeton, NJ: Princeton University Press, 1996), p. 52.

¹³ Joseph Raz, *The Morality of Freedom* (Oxford, UK: Clarendon Press, 1986), pp. 171 and 185–86.

¹⁴ For such a view, see Pablo Gilabert, *From Global Poverty to Global Equality* (Oxford, UK: Oxford University Press, 2012), pp. 137–38; Pablo Gilabert, *Human Dignity and Human Rights* (Oxford, UK: Oxford University Press, 2018), pp. 79–80.

¹⁵ For such a view, see Rodney Peffer, "A Defense of Rights to Well-Being," *Philosophy & Public Affairs* 8, no. 1 (1978), pp. 65–87, at pp. 80–81.

a duty to bring it about. This claim holds true even in cases where there is little, if any, likelihood of the antecedent ever holding true.

Finally, while MCT is compatible with a view that sees rights as generating all-things-considered obligations, it does not entail such a view. MCT only says that rights *at least* entail *pro tanto* obligations. Even if these obligations can be overridden, they are not easily or normally overridden. I gather that most, if not all, rights-theorists would agree.

I don't see how a right to ϕ could be a claim-right while denying MCT. If a right imposes any duty, MCT must be true. Someone might say that the concept of a claim-right only entails that there is some duty on someone else's part. There need be no duty anyone has to bring about ϕ . I understand that being the case when bringing about ϕ is not feasible; after all, "ought" implies "can." However, to say that someone has a claim-right to ϕ , but not a single person has a duty to bring about ϕ , even when doing so is feasible, makes no sense. To say that a person has a right to ϕ would, in this case, be meaningless.

Given the truth of MCT, then it follows straightforwardly that if people have rights to goods and services such as food, healthcare, and education, etc., then some people, in circumstances in which it is feasible, have *pro tanto* obligations to become GS-providers. This implication is troubling, for two reasons.

First, it is one thing to say that we have duties to rescue people when we can do so at little cost, by, for instance, giving someone CPR or donating to charity. It is another thing to say one has a duty to go into a particular profession. This is a much more onerous thing to require of someone than asking him to save someone else in a one-off incident or asking him to part with a small portion of his money.

Second, if welfare rights are *prima facie* enforceable, then it is *prima facie* acceptable for governments to compel citizens to comply with the correlative duties. If the correlative duties include duties to become GS-providers, then welfare rights license forced labor. That is an even more worrisome implication than simply the implication that there is a moral duty to become a GS-provider. For these two reasons, we should reject the view that people have welfare rights.

Nothing is being said here about the onerousness of donating a substantial portion of one's income to poverty relief or about the injustice of redistributive taxation. Typically, when the reasonableness of the demands imposed by welfare rights is discussed, the focus is solely on money: rich nations should devote more of their GDP to

poverty relief in poor countries, the rich should pay more in taxes, etc. Since the demand that a rich person part with some percentage of her income or wealth seems trivial compared to the poor going without food, healthcare, or education, the duties generated by welfare rights are deemed reasonable.

However, welfare rights do not simply require some people to part with their money. All the money in the world won't help anyone meet their basic needs, if no one is willing to produce or provide the food, medical care, and education that money could buy. If welfare rights are to be fulfilled, then some people need to step up to the plate and produce or provide the relevant goods and services. *That*—not the demand for the well-off to pay more in charity donations or taxes—I argue, is an unreasonable demand.

3. Objections

One objection to my argument is that nearly every author who has defended welfare rights has said that these rights cannot entail unreasonably burdensome duties, such as the demand that individuals literally provide these goods and services. For instance, James Nickel defends a “secure claim to lead one’s life” and says that this claim entitles people to freedom in the choice of their occupation.¹⁶ Additionally, Pablo Gilabert, who argues for welfare rights on contractualist grounds, says that principles for aiding the poor that do not take into account the importance of personal projects (and relationships) should be rejected.¹⁷ Even more germane to our issue, Gilabert says that people have a generic reason for rejecting any moral principle that would allow for slavery because “people have strong reason to want to be able to be in control of some central aspects of their lives (to choose whether, when, and where to work, for example).”¹⁸

No doubt welfare rights theorists generally assert that the duties entailed by welfare rights cannot be unreasonably burdensome and that a duty to become a GS-provider would be unreasonably burdensome. However, my point is that such assertions are

¹⁶ James Nickel, “Poverty and Rights,” *The Philosophical Quarterly* 55, no. 220 (2005), pp. 385–402, at pp. 392–93; James Nickel, *Making Sense of Human Rights*, 2nd ed. (Malden, MA: Blackwell Publishing, 2007), pp. 63–65.

¹⁷ Gilabert, *From Global Poverty to Global Equality*, p. 33.

¹⁸ *Ibid.*, p. 30.

incompatible with another assertion, namely, that people are entitled to have access to various goods and services. The only way to make these assertions compatible is to deny MCT, and such a move would be implausible.

A second objection to my argument points out that many welfare rights theorists place the burden of meeting people's needs on *institutions* (in particular, governments), so no individual has a duty to become a GS-provider. For instance, Nickel says, "The primary addressees of human rights are the world's governments."¹⁹ The "right to an adequate standard of living" that David Copp defends is a right that one holds against his or her state.²⁰ And James Griffin says, "[I]n the case of the human right to welfare it seems to me justified, in these times of concentration of wealth and power in central governments, to place the burden to a large extent on them."²¹

But whatever institutions do is done by individuals who make up those institutions. Thus, institutions bearing the burden of satisfying people's welfare rights does not mean that individuals won't bear this burden. Saying that institutions bear this burden just means that certain individuals, in virtue of their membership in an institution, have a set of responsibilities that they don't have in virtue of merely being human or in virtue of some other fact about them (e.g., having undertaken some action like making a promise).

One could argue that institutions not only have the capacity to assign responsibilities to individuals, but they also have the capacity to do so in a way that is fair and that places reasonable burdens on people. The problem with this move, however, is that there is no way institutions can assign responsibilities such that everyone's welfare rights can be met and the burdens are reasonable. The burdens of producing food, providing healthcare, and providing education will have to be assigned to some people. Those are unreasonable burdens.

¹⁹ Nickel, *Making Sense of Human Rights*, p. 38.

²⁰ David Copp, "The Right to an Adequate Standard of Living: Justice, Autonomy, and the Basic Needs," *Social Philosophy & Policy* 9, no. 1 (1992), pp. 231–61.

²¹ James Griffin, *On Human Rights* (Oxford, UK: Oxford University Press, 2008), p. 104. For a general discussion of the crucial role of institutions in fulfilling the duties correlative to welfare rights, see Henry Shue, "Mediating Duties," *Ethics* 98, no. 4 (1988), pp. 687–704; Shue, *Basic Rights*, pp. 153–80.

Pushing back on this, the welfare rights theorist might respond that as long as an institution's members have voluntarily chosen to be members, then there is nothing unreasonable in assigning any of those members the burdens just mentioned. However, welfare rights theorists don't generally think the choice to be an institutional member is necessary for having responsibilities for fulfilling welfare rights. For instance, those who identify governments as the primary duty-bearers take this to entail duties on the part of native-born citizens to pay the necessary taxes.

So far, we've assumed that the relevant institutions already exist. What if they don't? Welfare rights theorists typically argue that in the absence of institutions that can meet people's basic needs, members of a society have obligations to create those institutions. Given that any institution capable of meeting people's basic needs must include GS-providers, this means that some members of society have duties to become GS-providers. Since, by hypothesis, the relevant institutions don't yet exist, these duties cannot sensibly be described as institutionally based.

A third objection is that if my argument is sound, it would rule out all rights, not just welfare rights. The motivation for this objection can be found in Henry Shue's influential analysis of a moral right. According to Shue, "A moral right provides the (1) the rational basis for a justified demand (2) that the actual enjoyment of a substance be (3) socially guaranteed against standard threats."²² By the "substance" of a right, Shue means "whatever the right is a right to": the substance of a right to liberty is liberty; the substance of a right to healthcare is healthcare.²³ The third conceptual component places a duty on other people to create or preserve effective institutions that enable people to enjoy the substance of their rights. It is not enough, according to Shue, that no one at the moment is depriving anyone of the substance of their rights.²⁴ The upshot is that even a right against physical assault, if it is to be adequately guaranteed, requires police, judges, legislators, etc.²⁵

²² Shue, *Basic Rights*, p. 13.

²³ *Ibid.*, p. 15.

²⁴ *Ibid.*, p. 16.

²⁵ For a similar line of reasoning, see Stephen Holmes and Cass Sunstein, *The Cost of Rights: Why Liberty Depends on Taxes* (New York, NY: W. W. Norton & Co., 2000). For criticisms of this line of reasoning, see Alan

If it is unreasonable to demand that anyone be a farmer, doctor, or teacher, isn't it unreasonable to demand that anyone be a police officer, judge, or legislator? If so, wouldn't that mean that there is no right to physical security—or any right for that matter?

Since I am inclined to think there is no duty to become a police officer, judge, or legislator, yet I also think people have rights, if Shue's analysis is correct, then that is a serious problem for my argument. However, I don't think that we need to accept Shue's analysis of a moral right. The reason is that the inclusion of the third component is under-motivated. In its defense, Shue says:

Perhaps if one were dealing with some wilderness situation in which individuals' encounters with each other were infrequent and irregular, there might be some point in noting to someone: I am not asking you to cooperate with a system of guarantees to protect me from third parties, but only to refrain from attacking me yourself.²⁶

For pretty much everyone, though, Shue goes on to argue, there is no point in merely insisting that others not assault you:

[I]n an organized society, insofar as there were any such things as rights to physical security that were distinguishable from some other rights-to-be-protected-from-assaults-upon-physical security, no one would have much interest in the bare rights to physical security. . . . A demand for physical security is not normally a demand simply to be left alone, but a demand to be protected against harm. It is a demand for positive action, or, in the words of our initial account of a right, a demand for social guarantees against at least the standard threats.²⁷

Gewirth, *The Community of Rights* (Chicago, IL: University of Chicago Press, 1996), p. 35; Alan Gewirth, "Are All Rights Positive?" *Philosophy & Public Affairs* 30, no. 3 (2001), pp. 321–33; Andrew I. Cohen, "Must Rights Impose Enforceable Positive Duties?" *Journal of Social Philosophy* 35, no. 2 (2004), pp. 264–76.

²⁶ Shue, *Basic Rights*, p. 38.

²⁷ *Ibid.*, pp. 38–39.

The problem with Shue's response is that it only shows that we have an *interest* in setting up institutions for protecting our rights to physical security. Shue's response does not demonstrate that there is no *conceptual* distinction to be made between a right to physical security and a right to be protected against violations of physical security.²⁸ One can deny a duty to become a police officer, judge, or legislator without denying the existence of rights.²⁹

Finally, one could object to either (or both) of the two assumptions my argument makes: (1) justice does not govern our occupational choices and (2) forcibly assigning jobs to people is unjust. Lucas Stanczyk³⁰ and Brian Berkey³¹ each reject one of these assumptions, doing so on the basis of reasoning similar to my argument *against* welfare rights—up to a point. Stanczyk argues that the following set of propositions is inconsistent: “[1] Justice does not directly constrain occupational choice. [2] Justice forbids forcibly assigning jobs except where liberties are at risk. [3] Justice requires society to ensure more than merely liberties.”³² He explains why this set of propositions is inconsistent:

Wealth, medicine, education: these are all products of human labor. But so are food, sanitation, clean water, adequate shelter, and virtually everything else some of us take for granted. Yet, if justice forbade forcibly assigning jobs, and if occupational choices could not be unjust, then society could not be required to provide any of these basic goods. For, were

²⁸ On this point, see Cohen, “Must Rights Impose Enforceable Positive Duties?” p. 269.

²⁹ None of these criticisms affects the claim (alluded to in Section 2 above) that Shue's analysis of a moral right is compatible with MCT.

³⁰ Lucas Stanczyk, “Productive Justice,” *Philosophy & Public Affairs* 40, no. 2 (2012), pp. 144–64.

³¹ Brian Berkey, “Obligations of Productive Justice: Individual or Institutional?” *Critical Review of International Social and Political Philosophy* 21, no. 6 (2018), pp. 726–53.

³² Stanczyk, “Productive Justice,” p. 153. I have added numbers to the propositions.

able people to decline to produce them short of being forced, society could not provide them short of using force.³³

So far, I am in agreement with Stanczyk, as is Berkey.³⁴ However, I reject the third proposition, Stanczyk rejects the second proposition, and Berkey rejects the first. Each of us reasons the way we do because we each think that rejecting any other proposition in the set would be more costly. To adequately resolve this dispute would require going well beyond the scope of this article. Instead, I will briefly explain what I see as the costs of denying the first and second propositions.

What I see as the major cost of rejecting the second proposition is that it means no longer being in a position to condemn forced labor. If one is willing to force people to provide, say, healthcare in developing countries where, as Stanczyk says, “Medical work . . . is often extremely difficult . . . and conditions can be horrific,”³⁵ then one is no longer in a position even to condemn forced labor involving grueling conditions, at least not as such. That means, for instance, that the Soviet Gulag cannot be condemned merely on the basis that it involved forced labor under “horrific” conditions. That, to me, seems very implausible.

With respect to the first proposition, rejecting it means more than just believing we have an imperfect duty of beneficence that we ought to take into account when choosing an occupation (along with personal considerations such as what we find interesting, what would allow us to live a comfortable life, where we would like to live, what our loved ones’ plans are, where can we provide our children with a high-quality education, etc.). If duties of justice grounded in people’s fundamental rights are at stake, then the personal considerations just mentioned shouldn’t be relevant. In fact, to speak of justice in this case as governing our choice of *occupation* is misleading. If we have duties of justice to become GS-providers, then, assuming our own welfare rights are met, why should our fulfillment of those duties be contingent on our making an income from it? No one should have to pay you to respect other people’s rights. Yet, the suggestion that it would be

³³ Ibid., p. 152.

³⁴ Berkey, “Obligations of Productive Justice,” p. 728.

³⁵ Stanczyk, “Productive Justice,” p. 157.

inappropriate to take into account any of the personal considerations just mentioned in deciding what career to go into, let alone that it would be unjust to expect being paid for being a GS-provider, seems implausible to me. But again, I don't have the space here to justify fully that stance.

No doubt, rejecting the third proposition comes with costs of its own. However, as I will explain in the next section, the costs may not be as heavy as they seem.

4. What the Argument Does Not Prove

My argument does not prove that there is anything wrong with government redistribution. It establishes only that one alleged justification for government redistribution—that people have welfare rights—fails. I have not addressed any other possible justifications, nor have I presented any positive argument for thinking that government redistribution is unjust.

One way of justifying government redistribution which my argument leaves open involves appealing to John Locke's "enough and as good" proviso on the appropriation of natural resources.³⁶ The Lockean Proviso differs in important ways from welfare rights. First, compliance with the Lockean Proviso requires only that we *refrain* from appropriating more than our fair share of natural resources (however "fair share" gets cashed out). There is no positive duty to provide anyone with a set of goods.³⁷ Only if one has violated the Lockean Proviso is there a positive duty to provide compensation. There is no rationale for such compensation having to take the form of particular goods like food, clothing, shelter, medicine, etc. It seems more consistent with the Lockean Proviso that what is owed in compensation is something fungible, such as money.³⁸ Herein lies a

³⁶ John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge, UK: Cambridge University Press, 1988), Bk. II, chap. 5, p. 288.

³⁷ Left-libertarians, who endorse egalitarian construals of the Lockean Proviso, explicitly reject the existence of enforceable, non-contractual obligations to render personal services. See Peter Vallentyne, Hillel Steiner, and Michael Otsuka, "Why Left-Libertarianism Is Not Incoherent, Indeterminate, or Irrelevant: A Reply to Fried," *Philosophy & Public Affairs* 33, no. 2 (2005), pp. 201–15, at p. 208.

³⁸ That's not to say that, under certain construals of the Lockean Proviso, the sick or the disabled aren't entitled to a greater share of natural resources—or compensation in the form of money—in virtue of their condition. See Michael

possible rationale for government redistribution: governments can levy redistributive taxes in order to address violations of the Lockean Proviso.³⁹ Such a rationale has the virtue of not grounding an obligation on anyone's part to become a GS-provider, let alone an enforceable one.

Another thing that my argument does not prove is that there are no positive rights of any kind. My argument is compatible, for instance, with a right to be rescued in an emergency situation (e.g., drowning) when others can do so at little cost. One might argue that people who lack access to basic necessities like food, healthcare, and education *are* in emergency situations. Rather than delve into the metaphysics of emergencies, I'll simply reply by saying that the right to be rescued that my argument leaves intact, whether or not it differs from welfare rights in being triggered by an emergency, differs with respect to what is demanded of duty-bearers. The right to be rescued would include the specification "at little cost to others." As I've been at pains to show, welfare rights entail duties that involve considerable costs.

Finally, my argument leaves room for any rights in the "ballpark" of welfare rights that are not, strictly speaking, rights to good or services. I won't speculate on what these might be. However, if there are such rights, their respect may require the kinds of services routinely provided by welfare states.

Otsuka, *Libertarianism Without Inequality* (Oxford, UK: Oxford University Press, 2003), pp. 29–35.

³⁹ I say *possible* rationale because I am not necessarily endorsing it.