Being Sure of Each Other: An Essay on Social Rights and Freedoms, by Kimberley Brownlee. Oxford: Oxford University Press, 2020. Pp. 256.

Stephanie Collins

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When Kimberley Brownlee finished her new book in December 2019, she couldn't have known that her book's themes—social isolation, loneliness, disconnection, confinement, quarantine—would soon become the topic of op-eds everywhere, as the world confronted lockdown and panic in response to COVID-19. *Being Sure of Each Other: An Essay on Social Rights and Freedoms* is an amazingly timely book. It's also a rich, nuanced, and insightful examination of the social needs that many people found suddenly unfulfilled in 2020.

In chapters 1 and 2 (which together comprise more than a third of the book's pages), Brownlee advances her central claim: that there is a human right against social deprivation (HRSD). This is a human right against 'a persistent lack of minimally adequate access to decent human contact and social connection' (p. 39). Brownlee provides five sets of arguments for the HRSD: empirical arguments, phenomenological arguments, respect-based arguments, reciprocity and desert-based arguments, and instrumental arguments. Throughout the book, Brownlee emphasises that the HRSD is distinct from various other civil, political, economic, and cultural rights that are the typical purview of human rights theorists. To see this, we need only consider an older person who lives alone, whose children are distant, whose spouse or friends have passed away, who is financially stable but not rich, and who

suffers from agonising loneliness (p. 39). Many would baulk at the thought that this person suffers a *human rights* infringement. Brownlee argues that the many would be wrong.

The rest of the book examines the contours of the HRSD. Chapter 3 argues that we have a right not just to be supported by particular others who love and care for us, but also a right to support them in return. Chapter 4 takes the argument beyond the intimate realm and into the broader community, where we find rights to be decently acknowledged whenever we make an 'interactional bid' with a stranger. Brownlee then contends that the HRSD is more important than the human right to freedom of association, via a broadly Kantian argument in Chapter 5 (asking 'What if everyone associated however they liked?'), and via the costs of free association in Chapter 6 (costs including non-consent, harm, wrongful associations, burdensomeness, and pre-existing commitments). Chapter 7 addresses problematic examples, in which people's interpersonal claims conflict without resolution. These include cases in which a child has a right to see a non-adoptive step-parent that their parent has a right to divorce, and in which birth parents have a right to raise a lost child who has generously been adopted by others. Finally, Chapter 8 turns to confinement institutions, such as prisons and hospitals, to argue that the HRSD requires sociality-promoting changes in those settings.

In this paper, I focus on three aspects of Brownlee's argument, which I think are fertile ground for further discussion: the needs at issue in the HRSD; the duties correlative to the HRSD; and the role of social norms in seeing the HRSD fulfilled.

1. **Social needs**

Brownlee divides our social needs into three categories, which she labels 'social resources': (1) social abilities, (2) social opportunities, and (3) social connections. Social abilities are 'a complex set of skills, thoughts, attitudes, emotions, perceptions, and behaviours that enable

us to lead socially integrated lives' (p. 20). Social abilities are intrinsic properties of a person, which can be stymied by, for example, childhood neglect or adulthood isolation. Social opportunities are occasions to 'meet and re-meet each other, to interact with each other, and to form and sustain supportive connections together' (p. 20). Social opportunities are events, which can fail to occur through natural or human forces. Finally, social connections are 'social links … from the trivial to the life-defining, from the momentary to the lifelong … all meeting a minimal standard of decency' (p. 21). Social connections are relations between persons, the most important of which are 'persistent, caring, direct' relations with our nearest and dearest (p. 21). The HRSD encompasses all three social resources.

Of the three resources, social connections are particularly important: they distinguish Brownlee's view from that of capability theorists, such as Martha Nussbaum. While Nussbaum argues that we have a human right to be *capable* of forming social connections (in Nussbaum's terms, a human right to the 'capability' of 'affiliation'), Brownlee maintains that our 'need to belong includes our positive exercise of those abilities, or our actual, effective realization of our capabilities…' (p. 14). That is, according to Brownlee, we have a need for what Nussbaum calls 'functionings,' not just for what Nussbaum calls 'capabilities.'

However, elsewhere Brownlee downplays the importance of social connections, in favour of an emphasis on social abilities (pp. 22, 50, 81) and social opportunities (pp. 51, 133). She maintains that 'the justificatory ranking' of the three resources places social abilities as 'the most fundamental resource of the three' and 'the resource we cannot do without' (p. 22). This move enables Brownlee to incorporate willing recluses into her account. Such people lack social opportunities and social connections. But they do not suffer a human rights infringement, Brownlee says, as long as they retain their social abilities and (with those abilities intact) prefer not to have any social opportunities or social connections (p. 41).

This emphasis on abilities arguably brings Brownlee's account closer to the capabilities approach than she suggests. More importantly, the ability-centric account overlooks a crucial sense in which social connections are justificatorily prior to social abilities and social opportunities: if social connections had no value, then social abilities and social opportunities would have no value. Social abilities are abilities *for* connection; social opportunities are opportunities *for* connection. The fact that social abilities and opportunities have value is grounded in the fact that social connections have value. What's more, the amount of value that social abilities and opportunities have plausibly tracks the amount of value that social connections have. The reason why my *social* abilities and opportunities are more valuable than (say) my *tennis* abilities and opportunities is (surely) that *social connections* matter more than *tennis connections* (understood as relations in which I play tennis with someone). In these ways, social connections are justificatorily prior to social abilities and opportunities. This is true even if I might choose—consistently with my flourishing—not to exercise my social abilities or experience any social opportunities, thereby forgoing all social connections.

On this last point, there is also room to question Brownlee's emphasis on abilities and opportunities over connections. Brownlee accepts that flourishing people might choose to be 'loners' (though she describes such people as 'the exception, not the rule' (p. 28)). The book mentions several celebrated loners, such as Henry David Thoreau, Richard Proenneke, and Sarah Maitland (pp. 13, 28). Yet Brownlee notes that Proenneke and Maitland both had friends or companions (pp. 198, 201) and the same is true of Thoreau. If genuine loners—people with *zero* social connections, not even fleeting or intermittent ones—cannot flourish (as Brownlee Chapter 3's emphasis on social contributions sometimes suggests), then this would give us another reason to think that social connections are the crux of what matters for

human sociality, with social abilities and opportunities being merely tools that we use to achieve social connections.

A connection-centric view of our core social resources would also gel better with other aspects of Brownlee's argument. For example, she rightly laments philosophical treatments of human rights for viewing humans as 'largely self-sufficient beings who can choose to socialise or not as we see fit' (p. 50). And she argues that 'our core social needs [i.e., our needs for social abilities, opportunities, and connections] … exist *independently* of our volitions' (p. 37, emphasis added; likewise pp. 48-49). If our need for social connections is not something we choose and is independent of our volitions, then there's no reason to say that people need social abilities or opportunities in priority to social connections (contra p. 133).

That said, a connection-centric version of the HRSD would come with costs. Most glaringly, it would be open to accusations of perfectionism and paternalism. Insisting that people actually connect looks far more invasive than insisting that people have abilities or opportunities to connect. Yet ability-centric or opportunity-centric versions of the HRSD face just the same problems. It's not clearly less perfectionist or paternalistic to ensure that people have certain emotions, or ensure that they experience certain events, than it is to ensure that they have at least fleeting and occasional acquaintance with others. Indeed, connections are usually necessary for the development and maintenance of abilities (p. 21), and social connections seem to exist whenever a social opportunity does. Thus, whichever of the resources one focuses on, issues of perfectionism and paternalism require more consideration by anyone who endorses the HRSD. These issues cannot be avoided by allowing that people 'only' need abilities and opportunities, not necessarily connections.

A final question about the social needs at issue in the HRSD is: *what kind* of social connections do we have a right to, or (at least) a right to the ability and opportunity to create? Here, Brownlee emphasises connections that give us *belonging*. Drawing on psychologists Roy F. Baumeister and Mark R. Leary, Brownlee suggests that belonging entails 'frequent, affectively pleasant interactions with a few other people, and … these interactions must take place in the context of a temporally stable and enduring framework of affective concern for each other's welfare' (p. 24, quoting Baumeister and Leary). The emphasis here is on quality over quantity: it's better to have a few trusted friends than hundreds of loose acquaintances (p. 25). Nonetheless, even trips to the doctor or chats with baristas can go some way towards producing belonging (pp. 100-105).

If belonging is the value at the heart of social resources, then rights to specific kinds of connections—such as rights to be a parent, or rights to a romantic relationship—are not part of the HRSD. After all, one can have belonging-producing social connections without parenthood or romance. Yet Brownlee expresses some ambivalence here. For example, she says there is 'a right *to try* to have a child and a right to receive adequate, available medical assistance in that effort.' (p. 36, emphasis original). This doesn't seem to fall out of the analysis of social resources. If the HRSD is a right to belonging-producing social resources, and if would-be parents have other belonging-producing social resources available to them, then the HRSD doesn't provide reason for medical assistance with parenthood. Indeed, as Brownlee states elsewhere (p. 80), the HRSD doesn't imply rights to assistance with any specific type of relationship, or rights to any connection with any specific person of one's choosing. It's just a right to some belonging-producing resources or other. This minimalism is important for the next topic: the duties correlative to the HRSD.

2. Correlative duties

Regardless of whether one focuses on social abilities, social opportunities, or social connections, any HRSD advocate will face the following question: what duties does the HRSD imply? Must we actively foster other people's social abilities, including their emotional and attitudinal dispositions? Must we actively plan social opportunities for others? Must we offer ourselves up as relata in social connections? And from the recipient's side: must we accept others' meddling social advances? This all sounds very demanding.

These questions are particularly pressing for anyone who endorses the 'correlativity thesis.' This thesis says that the content of any human right is also the content of its correlative duty (Griffin 2008, 97). Thus, my human right that you do not murder me correlates with your duty that you do not murder me. My human right that my state provides me with education correlates with my state's duty to provide me with education. And so on. If we accept both the HRSD and the correlativity thesis, then someone or some group must have a duty that I avoid a persistent lack of minimally adequate access to decent human contact and social connection. That looks like a tall order.

Brownlee rejects the correlativity thesis. She writes: '[w]e can establish that a right exists without specifying the duties it generates, because a right exists when a person has an interest that is sufficiently strong to generate duties in other people. Specifying the precise duties and the identity of the duty-bearers is a further step' (p. 61; likewise pp. 69-71). In this way, Brownlee creates room to posit an ambitious and wide-ranging human right, while keeping the correlative duties (and their potential imposition on rights-bearers) fairly limited.

Yet the correlativity thesis is deeply attractive. It tells right-holders exactly what they can legitimately demand from others. Arguably, until the 'precise duties' are specified, rights tell us in which direction to travel, but they don't tell us exactly how far we may insist others

go. If the duties are unspecified, then the rights are incomplete. Rights with unspecified duties provide some action-guidance, but not as much as we might hope. (Brownlee notes that all human rights equally face the problem of specifying the correlative duties (p. 69), which is true. But this doesn't get HRSD advocates off the hook from specifying them.) Can the HRSD's duties be rendered consistent with the correlativity thesis while avoiding overdemandingness? I believe they can, and therefore that HRSD advocates needn't follow Brownlee in denying the correlativity thesis.

Brownlee views governments as the 'primary' duty-bearers (p. 60), saying that the HRSD will 'likely … require our governments to facilitate opportunities for us to connect, to incentivise us to connect and even, sometimes, to compel us to connect' (p. 51). More specifically, 'governments have negative duties not to interfere unjustly with our existing connections, and not to thwart our social efforts to form connections' (p. 60), 'governments have duties to review, and abandon where possible, all formed of isolated confinement in prisons, immigration facilities, and hospitals' (p. 60), 'governments may need to set up specific forums and venues for ambient sociability' (p. 51), 'governments must provide professional or voluntary opportunities for socialization through regulated forums that protect any would-be providers' rights' (p. 69), and 'society has good reasons to regulate social connections, perhaps by requiring people to contribute community service in the form of social inclusion service or by nudging people to be more sociable' (p. 130). Most ambitiously, governments 'have duties to *ensure* that, when we are vulnerable, we have positive access to social connections commensurate with our needs' (p. 61, emphasis added).

Brownlee acknowledges that such government-held duties only get us so far: no government can *ensure* that the HRSD is fulfilled, because social connections require the willing and enthusiastic involvement of specific other individuals (p. 139). In this respect, the HRSD is more problematic than the human right to food or the human right to an education:

my government cannot purchase belonging-producing social connections for me, as it might purchase food or teachers. Thus, governments' duties correlative to the HRSD cannot conform to the correlativity thesis. For this reason, it is worth considering whether individuals, not governments, are in fact the primary duty-bearers. On such a picture, governments' duties would merely be duties to support or help the primary duty-bearers, who are individuals.

Indeed, Brownlee has much to say about individuals' duties. Individuals have 'duties to attend to whether the people who are charged with guaranteeing for everyone minimally adequate access to decent social contact [i.e., governments] honour that responsibility' (p. 61), 'duties not to render ourselves socially dysfunctional' (p. 140), 'moral responsibilities to make our social resources available to the collective social pool, if required' (p. 140), 'good reason to cultivate attitudes of kindness, compassion, and warmth to each person we encounter' (p. 132), and 'moral responsibilities to find out whether the people who are charged with meeting the basic social needs of utterly dependent persons are fulfilling their duty' (p. 140).

Most demandingly, individuals have 'moral responsibilities to acknowledge the social claims that people can have on us both in virtue of special bonds and legitimate past expectations, and in virtue of our proximity to them, our awareness of their situation, and our easy ability to alleviate their social suffering' (p. 140; likewise pp. 61, 67, 137)—though these duties fall short of being required to 'befriend' anyone (p. 64). We are morally required to 'associate' with people who are 'ill, injured, incapacitated, ageing, grieving, or *otherwise dependent*' (p. 52, emphasis added), and with those going through '*periods of dependency such as* babyhood, childhood, acute incapacitation, severe impairment, and old age' (p. 127, emphasis added)—if these dependent people's social needs cannot or will not be met by others.

What does it mean to be 'dependent'? Brownlee's examples, listed above, might be taken to imply that dependency is a temporary state for many people. But it isn't. We are all, always, dependent, in the sense that we all need belonging-producing social connections with other people (or at least, we all need the ability and opportunity for such connections)—as Brownlee argues in Chapters 1 and 2, but as she downplays when specifying the above duties. Perhaps our dependence is not always apparent to us, particularly not when we have enough social resources. Yet we are no less dependent on others when they are fulfilling our social needs than when they are not fulfilling our social needs. The permanent and universal dependence of humans has long been emphasised by care ethicists, who Brownlee cites at some points (e.g. Kittay 1999).

The result is that we *always* have a positive claim to be in connection with other people, because we are always 'otherwise dependent.' This is true even when all our social needs are being fulfilled, such that our claim is satisfied. Our claim exists even when it is satisfied, because the fulfilment of our social needs requires the ongoing activity of others (p. 71). Again, this is unlike our need for food or education: one can (in theory) become a self-sufficient farmer, and our right to education doesn't require teachers throughout life. By contrast, social resources (abilities, opportunities, connections) require ongoing input from others, such that we are constantly dependent on them. This makes the HRSD demanding in a different way from other human rights.

In practice, if we endorse the correlativity thesis, this means that (a) each individual has a duty to associate with a person who has no associates, if the individual can associate with that person and if no one else has indicated that they will associate with that person (as Brownlee suggests in the quote above), *and* (b) each individual has a duty to continue to associate with each of their associates, unless they have reason to believe that their associates

would still have belonging-producing social resources if they ended the association. The latter duties exist in virtue of our associates' dependence on us.

Brownlee's rejection of the correlativity thesis might lead the reader to believe that the HRSD's duties are not particularly demanding on individuals. As the above indicates, they are demanding. Yet, I think, not overly demanding: recall that associations can be superficial and intermittent, as long as they meet a minimum standard of decency. As Brownlee emphasises in Chapter 4, even a brief chat can constitute a belonging-producing social connection, if such a chat recurs on a somewhat regular basis. With these (not overly demanding) duties in place, the individual duties correlative to the HRSD do abide by the correlativity thesis.

The above assumes that social connections are essential. If one maintains that social opportunities are all that really matter, then the duties are even more minimal, while still abiding by the correlativity thesis: each individual has a duty merely to offer the *opportunity* to associate to each of their associates and to each person who has no associates, if the individual can offer such opportunities to that person and if no one else has indicated that they will. Interestingly, social *abilities* are the only one of the three social resources that don't abide by the correlativity thesis: no individual can *ensure* that another has a complex set of skills, thoughts, attitudes, emotions, perceptions, and behaviours that enable them to lead a socially integrated life. So, if one endorses the correlativity thesis, then social abilities are the one social resource to which there cannot (strictly speaking) be a right.

Nonetheless, duties to associate might seem overly demanding. Presumably, this is one reason why Brownlee implies that dependency is not a universally permanent state, and why she favours abilities and opportunities over connections, at least in the case of those who (she suggests) are not dependent (p. 51). For those who worry about over-demandingness, the

HRSD is perhaps best geared towards social norms—a possibility I consider in the next section.

3. Social norms

Rights and *duties* often seem a poor fit for conceptualising the normativity of social connections. It seems strange to suggest—as Brownlee does—that it's *morally impermissible* to ignore a stranger's 'hello' in the street (p. 110), or that someone 'may have only limited claim-rights to act wrongly by leaving' a romantic relationship (p. 157). Civilly ending a romantic relationship doesn't seem apt for judgment as a moral wrong—let alone a moral wrong that we have only a limited claim-right to commit.

Brownlee acknowledges this, stating that ignoring strangers seems *rude* rather than *immoral* (p. 110). She argues against this appearance. More generally, she argues, we might blur the boundary between 'social niceties, etiquette, and morality' because our abidance by all three codes 'convey[s] our willingness to recognize and respect each other's humanity' (p. 110).

An HRSD advocate needn't follow Brownlee here. They might want to maintain that social wrongs—such as ignoring a stranger or ending a romantic relationship—are violations of *social norms*, rather than violations of *moral norms*. Meanwhile, they can maintain that there are moral wrongs in the vicinity: perhaps there are moral duties (and correlative moral human rights) that agents act so as to push social norms in one direction rather than another. For example, perhaps each agent has a moral duty to do what they individually can to produce a social norm in which people reach out to those who seem lonely, or in which people don't abandon existing associates—and perhaps each human has a correlative human right that others do what they individually can to promote such a social norm. If one accepts

the correlativity these, then the result would be that the HRSD has been replaced with a human right that all other agents take steps to bring about certain social norms. (If one rejects the correlativity thesis, then one can maintain Brownlee's formulation of the HRSD while asserting that the duties require only that we aim at certain social norms.)

On this picture, the norm that requires us to provide others with social resources is a *social* norm, not a moral norm, because the norm produces reasons only when most other people do likewise. (This roughly accords with Brennan et al's (2013) account of norms, according to which social norms differ from moral norms primarily in that the former, but not the latter, are conformed to because 'that's how things are done around here.') And, if other people do not do likewise, then we can maintain (contra Brownlee) that no *moral wrong* is done by people who ignore interactional bids or end romantic relationships. The idea is that the moral requirement is to try to bring about certain social norms, *not* to act as if those social norms are already in place.

This suggestion meshes with Brownlee's occasional comments that social deprivation creates 'collective duties that pose collective action problems, coordination problems, and free-riding problems' (p. 112), such that the right-bearer 'has a right that all of us in whose general sphere she falls attend to whether she is being aided … [and] that we coordinate to ensure she is aided *adequately well*' (p. 113, emphasis original). Social norms are paradigm mechanisms for solving collective action and coordination problems. So, if we construe social deprivation as a collective action or coordination problem, then social norms naturally present themselves as the solution. (Though not, of course, the only solution: Brownlee might reply that straightforwardly moral duties are just as good a solution.)

On this view, as with other collective action or coordination problems, the moral duty of individuals might be to promote widespread conformity with the social norm, *not*

necessarily to unilaterally comply with the social norm when no one else is doing so. After all, unilateral compliance can lead to exploitation and exhaustion on the part of the unilateral complier. And unilateral compliance is not always the best way to promote a social norm, since it can open the unilateral complier to accusations of virtue signalling or moral smugness.

None of this demonstrates that Brownlee is wrong to apply rights and duties directly to our provision of social resources. Still, for HRSD advocates who are hesitant to posit rights and duties directly over social resources, social norms are a useful intermediate layer between rights and duties on the one hand, and the provision of social resources on the other. Right and duties can operate on social norms, which then operate on the provision of social resources.

Conclusion

I have briefly examined Brownlee's typology of social resources, her characterisation of the duties correlative to the human right against social deprivation, and the possibility of using social norms to supplement her view. Due to space constraints, I have left aside many other fascinating topics, such as her arguments against language like 'offenders' and 'immigrants,' her manner of resolving various conflicts between competing rights, and her coinage of useful concepts such as 'parasitic rights.' Also worth noting is her colourful use of real-life and literary examples, from Japan's rent-a-family industry to Jane Austen's stifled heroines. Each of those examples deserve more exploration in light of Brownlee's framework. Brownlee advocates for a major and overdue addition to human rights debates. Her arguments demand wide engagement across political philosophy, ethics, legal theory, and beyond.

STEPHANIE COLLINS

Australian Catholic Universitystephanie.collins@acu.edu.au

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