Introduction
On Individual and Social Rights

INTRODUCTION: DEFINING TERMS

While the analysis of rights has been a central, defining topic of political philosophy and legal theory, it has not played a large part in sociology specifically or in the social sciences generally. There are several reasons for this absence. Any discussion of rights tends eventually to raise normative questions about entitlement and duty, and sociology has often proclaimed its commitment to value neutrality. Furthermore, social scientists, insofar as they are committed to cultural relativism, have remained sceptical about the idea of *universal* rights. Where sociologists have strayed into the field of rights analysis, it has been through the study of the social rights of citizenship. Some sociologists may think that this absence is perfectly acceptable, and in defence of sociology one might say that, whereas politics has been concerned with justice, sociologists have focused on inequality in their research on gender, class and ethnicity. The study of inequality has remained largely descriptive in social theory, while the political analysis of justice tends to be a normative debate. However, by neglecting rights, sociologists have remained absent from the study of the global growth of human rights and their stance on value neutrality means that they have not been able to enter into the public criticism of unjust regimes or adequately condemn human suffering. There is a distinction between social rights and human

rights, but it is blurred, contested and changing. One analytical issue is, therefore, to combine the study of social citizenship and human rights. In addition, for reasons outlined for example by Alasdair MacIntyre (1971) in his essays on the distinction between "is" and "ought" and his commentary on values and causality in the social sciences, the idea of a value free social science remains problematical.

The philosophical debate about the status and purpose of individual rights as against social rights depends a great deal on how we define these terms. Although it is difficult to come to a definitive jurisprudential conclusion about social versus individual rights, textbooks on human rights recognise the difference between the two traditions (Gearon, 2003). The intellectual differences between these two traditions is consequential in the real world. For example, the so-called "twin covenants" give expression to this distinction. There is the International Covenant on Civil and Political Rights (ICCPR) which was promulgated on 16 December 1966 and came into effect on 23 March 1976. There is the parallel International Covenant on Economic Social and Cultural Rights (ICESCR) which was promulgated on 16 December 1966 and came into effect on 3 January 1976. The ICCPR is often seen to embrace the classic "negative freedoms" of liberal philosophy, namely a set of rights that are "freedom-from rights", essentially freedom from oppression. By contrast, the ICESCR is regarded as embracing those rights and entitlements that have underpinned welfare states in both liberal democracies and socialist regimes. They are the "positive freedoms" that provide people in need with resources—housing, food, education and so forth—to achieve certain desirable outcomes. These two Covenants became inevitably entangled in Cold War ideological conflicts between liberal capitalist democracies and socialist states. The controversial nature of the two Covenants is illustrated by the fact that, while they were presented to the General Assembly in 1966, it took a further decade before they could be ratified in order for them to come into operation.

It is often said that, while the West has energetically recognised the ICCPR because it is compatible with liberal ideology, socialist states have felt more comfortable with the ICESCR. For example, China has found it easier to support social and economic rights which are seen to be more consistent with its own emphasis on development. The ICESCR came into force in China on 27 June 2001, but by 2005 the ICCPR had not been ratified. If we take the view that economic development is a necessary precondition for the enjoyment of rights, then

China has made great progress towards establishing a human rights regime. Whereas somewhere around twenty-two million people had died of starvation during Mao's "great leap forward", China has subsequently managed to feed its own people representing twenty-two percent of the world's population on only seven percent of the world's arable land. This rapid economic growth is compatible with the notion of a right to development that was accepted by the Vienna Declaration in 1996 (Goldman, 2005).

Other authors have tried to conceptualise the distinction between authoritarian Asian regimes that often prefer to support social rights and liberal individualistic capitalism by recognising that in Asia the responsibility of the state to its citizens can be understood in terms of "enforceable benevolence" or "patriarchal benefice" (Woodiwiss, 1998). Therefore, attempts to conceptualise the difference between social and individual rights often implicitly or explicitly articulate ideological differences between socialism and capitalism, and hence the conceptual distinction is overburdened by history and ideology.

By contrast with China, the United States has been a champion of the idea of personal liberty and individual rights and it has often been reluctant to support social rights, remaining deeply suspicious of the human rights revolution (Ignatieff, 2001). As a result, the United States has occasionally found itself isolated internationally, being often hostile to the United Nations and to specific United Nations institutions. For example, in 1997 the US refused to join the international community in banning the use of anti-personnel land mines and in 1998 the US voted against the creation of the International Criminal Court. The dubious status of Guantanamo Bay in international law in the context of a war on terror has only reinforced this gap (Butler, 2004). The situation has been summarised by Geoffrey Robertson (1999: 72) in his *Crimes against Humanity* when he noted that "[t]he nation with the most to offer the human rights movement in the twenty-first century will, it appears, do so only on the strict condition that other countries are the targets" of human rights legislation.

America has been specifically hostile to any formulation of social and economic rights that might limit the functioning its own version of capitalism or question its ideology of individualism. It has consequently opposed the ICESCR. The ideology of individualism is deeply suspicious of state involvement in social benefits and, therefore, often antagonistic to the development of social welfare rights. While individual rights such as freedom of conscience and freedom of religious belief have been

defended, social rights especially economic rights relating to unionism and labour laws are regarded as aspects of international socialism. For example, the American Bar Association's House of Delegates opposed the Declaration of Human Rights because it contained social and economic rights in 1948, the Eisenhower Administration attempted to down-play the importance of the twin Covenants on rights and, following action by Secretary of State Dulles, the US did not ratify the Convention on Genocide (Henkin, 1998; Galey, 1998). The American political elite opposed the Declaration on the grounds that its social provisions smacked of communism and with the fall of the Soviet Union in 1992 American conservatives were able to celebrate neo-liberal economic policies as the only viable global strategy. They proclaimed the "end of history", insisting that Western-style democracy was the only regime worth defending.

It is important to avoid treating the West as a single unified bloc; its diversity is illustrated by the highly variable character of welfare states in Western social history. The Scandinavian societies have often been pioneers in the development of universal welfare state systems since at least the nineteenth century. The British welfare state in the late 1940s was part of post-war social reconstruction based on the economic philosophy of J.M. Keynes and the sociological theories of T.H. Marshall, but these policies can be found much earlier in Labour Party responses to unemployment in the 1930s. Much earlier still the German Chancellor Otto von Bismarck had created a system of social security partly to win the loyalty of the German working class. These institutional developments in welfare gave expression to nascent social rights, constituting at one level a reform of capitalist society. It is simply wrong, therefore, to say that Western societies were hostile to social and economic rights, while supporting individual rights in the interests of property (Turner, 1986).

The problem of liberties and social rights was deeply and probably permanently determined by the experience and politics of the Cold War. In Europe, twentieth-century liberalism was pitted against both fascism and communism, which clearly abused individual rights in favour of the state and the dominance of the Party. Refugees from the catastrophe of authoritarianism and genocide inevitably championed the rights of individuals against the state and they came eventually to make up the International Covenant on Civil and Political Rights, basically the rights to protect them from oppression. This is why refugee and exiled intellectuals such as Isaiah Berlin, Leszek Kolakowski and

Ernst Gellner supported individual rights and intellectually opposed the determinism and reductionism of Marxist sociology. They were concerned, like Franz Neumann (1957) in *The Democratic and the Authoritarian State*, to understand the roots of political violence and authoritarianism and as a result they became critical of mass society, the rights of man, and the classless society. "Individual rights" inevitably had a different meaning and significance depending on whether one was an inhabitant of Warsaw or New York. To take the example of Leszek Kolakowski, a critic of Eastern European communism, in his *Main Currents of Marxism* (1978) he was also critical of China arguing that the commitment to egalitarianism in fact masked a profound political inequality as illustrated by the absence of any public access to information. In this respect the Chinese population was more deprived than the populace of the Soviet Union. In China everything was secret. Like Berlin, Kolakowski was, therefore, dismayed by the naivety of Western intellectuals who, while condemning US militarism, ignored the militarisation of Chinese society or the enforcement of punitive labour discipline, or the suppression of freedom of religion. He concluded bleakly with the observation that Marxism was the greatest fantasy of the century.

Although there has been much opposition to both Covenants, it is necessary to provide a definition of social and individual rights, or at least to offer an analysis of the problems entailed by such a distinction. Consequently this chapter is concerned to understand the differences between the social rights of citizens and individual human rights. Briefly, social rights are those entitlements that are enjoyed by citizens who are members of a polity and are enforced by courts within the legal framework of a sovereign state. These social rights may be called "contributory rights", because effective claims are associated with contributions that citizens have made to society through work, war (or a similar public duty), or parenting (Turner, 2001a). In this model, rights and duties are closely connected, although this connection is never entirely symmetrical. A system of universal taxation and compulsory military service are obvious indications of the obligations of citizenship. In return for taxes and other services, citizens expect certain benefits such as security and welfare. Citizenship implies territory. There is a historical and political relationship between state building, the assertion of sovereignty, the formation of national identity, the creation of modern citizenship, and the collective defence of a political space and the resources that reside therein. It is for this reason that

citizenship rights tend to be exclusionary; they tend to exclude people who have not contributed to the common good through taxation and military service. In this collection of essays, I argue that exclusionary citizenship has to be tempered by the spirit of cosmopolitanism and as a result this book might have been called "the ethics of citizenship and the spirit of cosmopolitanism". Without the virtues of cosmopolitanism, appropriate patriotism can easily become a vicious form of nationalism and the universalism of citizenship a pretence for the selfish exclusion of the weak and vulnerable.

There is an important contrast, therefore, between the social rights of citizenship and human rights which are rights enjoyed by individuals by virtue of being human, and as a consequence of their shared vulnerability. Human rights are only rarely connected explicitly to duties and they are not contributory. There is for example no corresponding system of taxation relating to the possession of human rights. There is as yet no formal declaration of human duties—although there has been much discussion of such obligations. UNESCO encouraged an initiative for a charter of the duties and responsibilities of states, but these initiatives have yet to have any practical consequence. The implicit set of duties that are associated with human rights is the obligation not to hinder or cancel access to such rights. While states enforce social rights, there is no sovereign power uniformly to enforce human rights. Social rights of citizens are national; human rights are universal, but it is often claimed that these are not "justiciable" and have no "correlativity" with duties. Human rights, therefore, depend on the willingness of nation-states to respect and to implement the rights of the Declaration within the territory of their sovereign states. The implementation of human rights is, therefore, indirect and rests on the collective responsibility of states to abide by international regulations.

This apparently neat division between citizenship and human rights becomes blurred in practice, especially in the United States. The Constitution of the United States is obviously a founding document of America but it is also regarded as a universal charter of democracy and the rights that are constitutive of democratic politics. The American Revolution and the Declaration were events that proclaimed liberty for all people, especially those under the arbitrary yoke of monarchy. The Constitution as a universal declaration of democratic rights has universal implications for everybody, and, therefore, American governments have often resisted the idea that human rights treaties apply to them. For example, the retention of the death penalty in the US is in

contravention of UN declarations and the practice of "extraordinary rendition" is contrary to UN norms surrounding arbitrary arrest and unfair trial, as outlined in Article 8 of the Declaration. US governments tend to resist such constraints either from political expediency or because the Constitution trumps all competing international laws. In popular discourse in the US, there is, therefore, a tendency to confuse the civil liberties of Americans (such as the right of black Americans to enjoy the franchise) with human rights, partly because the Constitution is implicitly regarded as a universal legal code.

It is, however, important to retain the distinction between citizenship and human rights. The social rights of citizens are given (and taken away) by states because states are sovereign and they have the right to declare a state of emergency in which they can legally expunge the rights of citizens for example to assemble and conduct political meetings. However, human rights are not given by state legislatures and they cannot be legally taken away by states. Human rights are frequently the last line of defence against rapacious, arbitrary and corrupt states.

Nevertheless, many distinguished political philosophers have attacked the very idea of "human rights". For example, Hannah Arendt presented an especially challenging criticism of "the rights of Man" in *The Origins of Totalitarianism* (1951) when she observed that these alleged inalienable rights were supposed to exist independently of any government, but once the rights of citizenship had been removed, there was no authority left to protect them as human beings. Human rights without the support of a sovereign state, she argued, are merely abstract claims that cannot be enforced. Critics argue that it is impossible to define what they are or to show how they add much to the specific rights of citizens of national states. The right to rights only makes sense for people who are already members of a political community. Against this argument, it is important to protect the idea that there is a right to resist arbitrary governments and that the role of legitimate opposition (in a system of political parties) has to be protected. Human rights abuse is characteristically a product of state tyranny, dictatorship, and state failure as illustrated by civil wars and anarchy; a viable state is important as a guarantee of rights. There is a valid argument, therefore, that the liberties of citizens and their social rights are better protected by their own national institutions than by external legal or political intervention. The often chaotic outcome of human rights interventions in East Timor and Kosovo might force us to the conclusion that any government that can provide its citizens with security,

but with weak democracy, is to be preferred over bad and ineffective government (Chandler, 2002).

NATIONAL CITIZENSHIP AND THE WELFARE STATE: T.H. MARSHALL

The history of social rights is essentially the history of citizenship. Historians have recognised the growth of citizenship in ancient Greece but also noted its restriction by birth to men, the exclusion of women, the presence of class divisions and dependence on slavery (Finley, 1983). Max Weber (1958) emphasised the importance of Christian univer-salism in the growth of citizenship in which faith rather than blood was recognised as the basis of community. He contrasted the autonomous city in Europe with the city in the East as a military camp. Although we can detect the ancestry of citizenship in the urban institutions of classical Greece and Rome, there is little evidence of *social* citizenship until the modern period. Because women were excluded from partici-pation in public life, we should hesitate in claiming that citizenship was fully developed in ancient Athens and Rome. It is more accurate to argue that classical citizenship in the ancient city was limited in its scope, and, therefore, we might more appropriately call this classical form *political* citizenship, asserting that the revolutionary struggles that produced modernity also produced modern or *social* citizenship. Modern citizenship has two important characteristics: it developed a notion of membership that is not in formal terms dependent on gender and ethnicity, and it is closely connected with the rise of the nation state. Modern citizenship is the product of political revolutions and especially the French Revolution. These political revolutions not the Greek city state produced the idea of universal rights.

Citizenship in the context of liberal democracy is also closely asso-ciated with the growth of individualism. However, the modern notion of individualism as subjectivity, the self and privacy is more or less the opposite of the classical world. In classical Greece, private affairs were often negatively defined in opposition to the public sphere and public duty. The private arena was associated with deprivation (*privatus*) and the public sphere was one of freedom and reason, where citizens con-gregated for political debate, economic exchange and entertainment. The autonomous individual could only exist and develop in the public domain. In the "quarrel between the ancients and moderns", Benjamin Constant contrasted respect for public institutions in the ancient city

with the emphasis on conscience and individual subjectivity in modern society. The liberty of the ancients, which arose from their active engagement in politics, required them to sacrifice their personal interests in their service to the polis. By contrast, the moderns are encouraged to pursue their personal pleasures, regarding politics as merely a means to protect and enhance their private lives. It was only when men left the privacy of the household that they emerged from these biological necessities to participate in politics as free individuals. This distinction was formulated by Aristotle in the contrast between *zoë* (biological life) and *bios* (the cultivated form of life). Men could only rise to a civilised life through politics and the public sphere. In modern consumer society, the great emphasis on the emotional integrity of the private individual is the exact opposite of the Aristotelian idea of politics and virtue (Brogan, 2005). In modern society, human beings are bound together, but the common threads are paradoxically the private desires of consumption and a common mass culture.

There is a well established intellectual tradition that locates the origins of citizenship in the ancient *polis*. It is, however, sociologically more appropriate to treat citizenship as a product of three political revolutions—the English Civil War, the American War of Independence and the French Revolution. These revolutions were the cradle of both modern nationalism and citizenship as the rights and duties of a person who is a member of a national community. The creation of European nation-states from the seventeenth century onwards necessarily involved the creation of imaginary communities which assumed the existence of, and which went a long way to create, homogenous communities. The Treaty of Westphalia in 1648 was the origin of the modern world system of nation-states, and state formation involved the creation of nationalist identities on the basis of a double colonisation, both internal and external. This process involved the creation of the cultural basis of modern national citizenship.

There are plausible grounds for believing that citizenship was politically important because it incorporated the working class into nascent capitalism through the creation of welfare institutions. In practice, welfare capitalism achieved the subordination of the working class with relatively little concession to the fundamental issue of inequalities in wealth, health and political power. Citizenship left the class structure of capitalism more or less intact, and welfare states avoided the revolutionary conflicts of the class system that had been predicted by Karl Marx's analysis of capitalist crises. However, there was great variation

within different capitalist regimes. While in Germany Bismarck developed social rights through welfare legislation, political rights were underdeveloped. Neither fascism nor authoritarian socialism supported civil and political rights, although they did develop welfare institutions and social rights.

In the twentieth century the understanding of citizenship was dominated by the sociological theory of T.H. Marshall (1950). For Marshall, citizenship expanded through three stages: the growth of legal rights in the seventeenth century produced habeas corpus, the jury system, and the rule of law; political rights in the nineteenth century resulted in the parliamentary system, free elections and the secret ballot box; and social rights in the twentieth century were associated with social security and the welfare state. Marshall argued that citizenship was a status position that ameliorated the class inequalities that are associated with the capitalist market. The British welfare state can be regarded as the practical expression of the sociological theories of Marshall, the economic analysis of J.M. Keynes (1936) and the social policy of Richard Titmuss (1958). In substantive terms, it was the consequence of the mass mobilisation of the population for warfare that was an important condition for the growth of post-war social rights, but Titmuss also traced the origins of the National Health Service to the medical inspections of British men during the South African Boer War when large sections of the working class were deemed unfit for combat. The expansion of social rights in the twentieth century was closely connected with military discipline and combat requirements, and subsequently by post-war social reconstruction.

Marshall's account of social citizenship helps us to identify important differences between the development of citizenship institutions in Britain, the United States and continental Europe. In Britain, citizenship evolved through the nineteenth and twentieth centuries as an amelioration of the negative effects of social class and the capitalist market. Citizenship provided individuals and their families with some degree of social security. The tension in British citizenship is that it assumed significant state intervention in the regulation of the market, but also emphasised individualism, initiative and personal responsibility. In the United States, citizenship has been associated with political membership and assimilation in a society constituted by migration and race rather than with welfare rights and social class. The citizenship debate in the US is still dominated by the legacy of Alexis de Tocqueville's *Democracy in America* of 1835 and 1840 and the

theory of associational democracy. For Tocqueville (2003), the lack of centralised, bureaucratic government had encouraged individual initiative and voluntary associations rather than state intervention; these local associations had flourished to solve local, community problems. Contemporary sociological research has found that Americans were alienated from politics at a formal level, but their commitment to society was expressed through a multitude of local and informal associations (Bellah *et al*, 1985). Both British and American approaches are to be distinguished from continental European traditions, where, historically and normatively, citizenship was connected with culture and civility and the civilising process. The bourgeois citizen was an educated and cultivated private person, who depended on the state to guarantee freedoms and to sustain a moral public order against the threat of an uneducated and uncultured working class and peasantry.

The effective enjoyment of the entitlements (or contributory rights) of Marshallian citizenship were conditional upon work, war and reproduction. A person became an active citizen by contributions to the economy, wartime service and parenthood. These social conditions have been eroded by the casualisation of employment, the termination of conscription and compulsory military service, the transformation of family life through low fertility, divorce and the emergence of the lone parent household. The economic foundations of traditional citizenship were based on a Fordist economy, which has been disrupted by the globalisation of the economy. The neo-conservative revolution of the late 1970s created a political environment in which European governments were no longer committed to the universalistic principles of the traditional welfare state. Thatcherism in Britain rolled back what she disparagingly had called "the Nanny State" and promoted private initiatives in an enterprise culture. In Tony Blair's government, New Labour policies adopted a Third Way strategy encouraging so-called joint ventures between public and private sectors in health care and education. Community enterprise was intended to replace the traditional voluntary associations in delivering services in the third sector. The economic results have been overshadowed by growing income inequality, the decline of the National Health Service and an intractable pension crisis (Blackburn, 2002).

THE FABRIC OF AMERICAN SOCIETY

The paradox is that human beings need to be protected from corrupt or failed states by human rights legislation, but they also need social rights

to protect them from such conditions as old age, disability and sickness. Because the UN is not a global government with unchallenged sovereign powers, citizens must rely on governments to provide them with a safety-net of services: police, education and health. Of course, the neo-conservative criticism of this argument about the role of social rights is that individuals should be expected and encouraged to provide for their own welfare through personal health insurance, installing security devices in their own homes, carrying a gun for personal protection and so forth. This neo-conservative position fails essentially to take notice of the vulnerability that is the common lot of humanity, even in the United States itself. These attitudes can be seen as the legacy of a frontier mythology in which the pioneer was a self-sustaining and autonomous individual. The dominant US liberal theme of the inviolable rights of (isolated) individuals does not take into account the inequalities and disadvantages which people inherit at birth—we don't start life with equal assets, either social or natural. Furthermore, the ageing of the US population, the inevitable increase in disability and physical immobility, and the isolation and vulnerability of the elderly will produce a large cohort of US citizens whose lives are highly precarious (Turner, 2006). There is a tendency in neo-conservative views of individual responsibility to "blame the victim" (Ryan, 1971) and to regard social problems as essentially the failing of individuals. This issue occurred in American public life with the infamous Moynihan report on the alleged inadequacies of the black family to cope with modern urban life (Katzmann, 1998). While there may be a tendency to blame single black mothers for welfare problems, how can we blame the elderly for growing old or the disabled for their impairments? At present US institutions are simply not geared up to cope with the consequences of ageing populations, shrinking families, poor pension schemes, inadequate heath insurance and the isolation in particular of elderly men in deprived inner city areas (Klinenberg, 2002). In international terms, the US does not compare favourably with the Scandinavian countries, Japan, and much of northern Europe in terms of life expectancy, health care of children and the elderly, or death rates (from drugs, suicide or car accidents) among young men (Kawachi and Kennedy, 2002). Despite the liberal vision of an egalitarian society in the US, income inequality remains the principal determinant of life chances: the more affluent live longer with healthier lives (Daniels, Kennedy and Kawachi, 1999).

The social rights that are installed in the Universal Declaration are intended to give protection to the vulnerable, the weak and the

dependent in order for them to live lives with some dignity. Human rights provisions relating to women are especially important, since without healthy mothers we cannot have healthy children. Article 25—"Everyone has a right to a standard of living adequate for health and well being"—is one obvious illustration. Against such human rights, neo-conservatives might claim that single mothers, drop-outs, drug addicts and the unemployed are just shiftless, feckless, hopeless people. However, as I have noted, ageing and attendant disabilities are the common destiny of us all, both rich and poor. A considerable amount of social deprivation in modern societies is simply a function of retirement and resulting disability. Therefore, we need social rights and adequate support to enjoy a modicum of dignity (in old age, in sickness and isolation).

There is by contrast plenty of evidence to demonstrate that neo-liberal global economics have resulted in many societies in increasing poverty, poor health and declining life expectancy (Coburn, 2000). Welfare regimes have been profoundly altered by the Anglo-American neo-conservative revolution of the late 1970s, which created a political framework in which governments were no longer committed to such principles as a comprehensive welfare state and full employment. Neo-conservative economic strategies were either emulated by or imposed on governments throughout the 1980s and 1990s, often with the backing of the World Bank. These global redistribution strategies that promoted welfare for work saw a reduction of state intervention, deregulation of the labour and financial markets, implementation of free trade, reduction in personal taxation, and fiscal regulation of state expenditure. New Right theorists argued that judgements about human needs should be left to the operation of the market, not to governments. The historical period in which governments experimented with Keynesian policies for full employment was replaced by more aggressive neo-conservative regimes in which the enterprising, greedy and self-regarding consumer became the driving force of the economy. The free market was claimed to be a necessary condition of personal freedom. Although these doctrines are called either neo-liberal or neo-conservative, they may well be thought of as a return to the doctrines of the eighteenth century in which private vices such as greed were assumed to produce public goods such as wealth (Blau and Moncada, 2005).

While the French Revolution promised to give us liberty, equality and solidarity, many contemporary social and political theories tend

to confront us with a choice: liberty (the individual rights of liberalism) or equality (the values behind ICESCR). American liberalism often presents the dichotomy in even starker terms: do you want communist authoritarianism or American liberties? In this conclusion, I want to suggest, albeit briefly, that this is a false dichotomy. Apart from anything else the dichotomy is extreme. Of course, if I am faced with a choice, my rational response is to choose my freedom against welfare benefits, but individual and collective rationality do not always coincide. What is good for me and what is good for the collective often involve very different logics. However, this naïve presentation of the choice merely reflects the ideological remains of the Cold War.

We need, however, to move beyond a Cold War framework to think about how the individual rights of liberalism might be married to the social rights of the Universal Declaration. A comprehensive sociology of rights needs to find conceptual solutions to any separation of individual from social rights or to any elevation of one set of rights over another. In this commentary I have proposed that the concept of vulnerability can serve as a foundation for human rights and that analytically the integration of both types should rest on the resolution of the traditional sociological problem of agency and structure. We should not suppress the idea that human beings can be held responsible for their actions, but we need to recognise that social structures (of economic poverty, cultural deprivation and political oppression) can also rob individuals of their dignity and autonomy. Combining individual liberties with social rights also requires the integration of rights and duties, since without the concept of human responsibility, social rights (indeed any rights) will remain partial and incomplete.

CONCLUSION: RIGHTS AND VIRTUES

The existential problem with human rights is that we experience them as important but often as remote and abstract forms of legal protection against threats to our safety and security, but in general people exercise their human rights only when they are confronted by a crisis. Human rights have become associated with victims of international crises, natural disasters and failed states. I experience my status as a citizen when I pay my taxes, when I contribute to local associations, when I vote for a party or when I condemn the foreign policy of my government. The true citizen is somebody actively engaged with politics at both local and national levels. In these activities, I am also educated as a citizen

and ideally I acquire a set of virtues such as honesty and reliability. I do not cheat because I have an interest in honest government and I realise that corruption undermines the commonwealth. This admittedly ideal vision of citizenship is self-consciously modelled on the political philosophy of Aristotle. A good society needs to produce virtue in its members by creating conditions in which they can realise their potential. A good society aims to produce excellence in its citizenry. There is, however, currently no community within which to have an educational experience of human rights, apart from the somewhat abstract community of humanity. The only genuine opportunity for an experience of human rights as a cosmopolitan citizen would be through an international NGO working at a local level, but such experiences are not open to everybody. Most of us come to experience our human rights through a negative set of experiences: famine, civil war or natural disaster. The experience of such rights is associated with the experience of being a victim rather than with political excellence. In this collection of essays, I explore the virtues and duties that could be associated with human rights through a discussion of cosmopolitanism. The experience of globalisation may create new conditions in which I can experience membership of a global community. Such experiences may create, however indirectly, a sense of cosmopolitan duty, thereby making the notion of a cosmopolis more concrete. Citizenship remains important as an active domain of democracy and as the principal expression of being political, as belonging, but in an age of globalisation, it should be possible to create conditions that foster respect for others. I call this care for others a cosmopolitan virtue.