

Symposium on Rowan Cruft's *Human Rights, Ownership, and the Individual*

Guest Editors: Joseph Bowen and Massimo Renzo

Addressing the Addressive Theory of Rights

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ABSTRACT *This article examines Rowan Cruft's new Addressive Theory of Rights, put forward in his Human Rights, Ownership, and the Individual. We begin with an exposition of Cruft's discussion of the nature of rights and directed duties. We see there are two elements to this: first, a series of arguments that no reductive account of rights succeeds and, second, an introduction to the Addressive Theory. I then offer three critical comments. First, that the two elements to Cruft's discussion on the nature of rights and directed duties, the antireductivism and the introduction of the Addressive Theory, are independent. Second, that, because of the antireductivism, the Addressive Theory is unmotivated. Third, that part of the Addressive Theory itself, requiring first-personal thought on the part of capable right holders, is redundant. I conclude by considering what we can learn from these three comments: that we should rethink whether to combine the Addressive Theory with a reductive theory of rights, which grounds rights in features of right-holders as moral patients.*

1. Introduction

Rowan Cruft's *Human Rights, Ownership, and the Individual* begins with a surprising statement: in a sense, we could do without rights.¹

The sense in which we could do without rights is this. Some duties are undirected. They are not owed to anyone. The usual examples are duties of beneficence and duties concerning the environment. Some duties, however, are directed. When I promise my friend that I will water their flowers, I am under a duty to do so. My duty is directed towards – owed to – my friend, the person to whom I made the promise. Directed duties correlate with rights. If I owe my friend a directed duty to water their flowers, they have a right, against me, that I water their flowers.²

When we violate a directed duty (and, thereby, another's right), we wrong the person to whom we owe the duty (the person who holds the right against us). Yet, we act wrongly whether we violate an undirected or a directed duty. Whether the duty is undirected or directed makes no difference to what we are required to do – it makes

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no extensional difference to the normative landscape. This is the sense in which we could do without rights.

So, we have a question: if rights make no extensional difference, what difference do they make?³ Cruft's answer is this:

A duty's being someone's right affects how we should think of our actions in relation to the duty (e.g. as 'wronging you', or 'demanding in my own name as right-holder') (p. 1).

Explaining the difference that rights and directed duties make to the normative landscape by focusing on the relationality of rights and directed duties is, I think, along the right lines. In this article, I examine Cruft's view of rights and directed duties from which this relationality supposedly falls out.

I begin, in Section 2, with an exposition of Cruft's discussion of the nature of rights and directed duties. We see there are two elements to this: first, a series of arguments that no reductive account of rights succeeds and, second, an introduction to Cruft's new Addressive Theory of Rights. There are in turn two parts to Cruft's Addressive Theory. First, right-holders are required, when capable, to conceive of the action required by the duty correlative to their right in first-personal terms, as 'done to me'. Second, whether the right-holder is a capable party or not, the duty-bearer is required to think of the action required by their duty in second-personal terms as 'done to you', the person to whom the duty is owed.

In Section 3, I offer three critical comments. First, that the two elements to Cruft's discussion on the nature of rights and directed duties, the antireductivism and the introduction of the Addressive Theory, are independent. Second, that, because of the antireductivism, the Addressive Theory is somewhat unmotivated. Third, that the first part of the Addressive Theory itself, requiring first-personal thought on the part of capable right-holders, is redundant. I then tie together what we can learn from these three comments.

2. Cruft's Addressive Theory

2.1. *Nonreductivism*

Before introducing his Addressive Theory, Cruft argues that none of the existing reductive accounts of rights and directed duties are adequate.⁴ Reductive theories of rights take an undirected duty and try to explain, in nondirected terms, what it takes to make that duty directed; inasmuch, they explain what it takes to hold a right. Take the Will Theory of Rights in its simplest formulation. Suppose Ann is under a duty to meet Ben. If, and only if, (and because) Ben has the power to waive Ann's duty, Ann owes her duty to Ben, and Ben holds a right correlative to Ann's duty that she meets with him.

We can leave aside Cruft's arguments against other theories, but his objections to the Will and Demand Theories are relevant for our purpose. We know how the Will Theory works. On what Cruft calls the Demand Theory, a duty becomes directed (and correlates with a right) if, and only if, (and because) the right-holder has standing to demand performance of the action required by the correlative duty. The idea of the right-holder demanding performance of the action required by the correlative duty should hopefully be intuitive: 'Whaddaya mean you're not coming to the pub – you promised me!'⁵

Here is the problem with Will and Demand Theories. Unless both theories allow fiduciaries to exercise control or to demand on behalf of right-holders, both theories imply that those with undeveloped, compromised, or damaged rational capacities cannot be right-holders (e.g. very young children, the severely mentally disabled, and some of those suffering from Alzheimer's disease). This is because these people cannot themselves control others' duties, nor demand the performance of actions from others. However, once these views allow fiduciaries to exercise control or demand on the behalf of others, Cruft argues that both views are unable to distinguish between controlling or demanding on one's own behalf, as the party to whom the duty is owed, and controlling or demanding on behalf of someone else (pp. 32–34). The theories used to say, 'Look to who does the controlling/demanding – that's your right-holder!' They now have to say something like, 'Look to who does the controlling/demanding *on their own behalf* – that's your right-holder!' And, Cruft thinks the answer to this question is going to already require a grasp of to whom the duty is owed.⁶

Despite the Demand Theory failing to offer us a reductive account of when a duty becomes directed, Cruft does think there is a kernel of truth to it:

either demanding on one's own behalf or having someone else demand on one's behalf is sufficient to capture (at least part of) the significant status brought by being owed a duty [and] demanding a duty's fulfilment on my own behalf just is demanding fulfilment of a duty that is owed to me, and I am not here suggesting that the 'on my own behalf' notion can be grasped separately from our grasp of directedness. (p. 40)

So, rights are demandable, either on one's own behalf or by other parties on one's behalf. But whether one is demanding on one's own behalf or on someone else's behalf, and so whether the duty is owed to one or not, cannot be understood without already having a handle on to whom the duty is owed.

2.2. Address

In the remainder of this section, I introduce Cruft's Addressive Theory:

Right-Holder Condition. DB's directed duty to Φ owed to RH formally requires (if RH is capable of this) first-personal grasp of Φ as 'done to me'.

Duty-Bearer Condition. DB's directed duty to Φ owed to RH formally requires DB to grasp Φ as 'done to RH', where RH is here conceived second-personally by DB as a potential addressee or 'you'.⁷

Here is a nice way into first- and second-personal address.

(a) *Demanding on One's Own Behalf.* We have seen that Cruft thinks all directed duties are demandable, either on one's own behalf or on the right-holder's behalf. With this in mind, Cruft suggests that one cannot demand on one's own behalf unless one thinks first-personally about the action required by the duty – unless one thinks of that action as 'done to me' (p. 46). Suppose Ann promises Ben she will meet him at the pub. For some reason, Ben forgets the promise was made to him, but he remembers that Ann is under a duty to meet someone at the pub. He says: 'Ann, you need to be at the pub – you made a promise, and you ought never to break your promises'. So I

think Cruft would say, Ben is just demanding that someone respect their duties, directed or otherwise. He says, ‘all duties are *ceteris paribus* permissibly demandable, and this is part of what distinguishes them – as duties – from other sorts of reasons’ (pp. 33, 40–41). Now suppose Ben says, ‘Ann, you need to be at the pub – you owe it to whomever you promised!’ Here, Cruft thinks what Ben does is akin to demanding on someone else’s behalf that Ann respect their, the person on whose behalf Ben demands, rights; it just so happens this person is, unbeknownst to Ben, Ben (p. 47).

That first-personal thought is required to demand on one’s own behalf seems intuitive. Suppose Ann does not go to the pub. Ben fails to appreciate the duty was owed to him. He then feels resentment towards Ann, demands an apology from Ann, and does other things characteristic of having a duty owed to one violated. Something weird has happened, I think. Ben needs either to grasp that the duty was owed to him or he needs to stop feeling resentment towards Ann. If Ann was aware that Ben had not appreciated that the duty was owed to him, she can attempt to rebuke his demands in the same way she would a third-party: ‘What’s it to you? Why’re *you* so annoyed?’

(b) *Right-Holder Condition*. So Cruft thinks, to demand on one’s own behalf, one must think first-personally about the action required by the duty as ‘done to me’. And, in Section 2.1 we saw that Cruft thinks what is distinctive about rights and directed duties is that they are demandable on one’s own behalf or on the behalf of the right-holder. From this, we arrive at the

Right-Holder Condition. DB’s directed duty to Φ owed to RH formally requires (if RH is capable of this) first-personal grasp of Φ as ‘done to me’.

Here is the appeal of the Right-Holder Condition: if demanding on one’s own behalf is what is distinctive about rights and directed duties, and to demand on one’s own behalf one needs to grasp that the action required by the correlative duty is ‘done to me’, it makes sense that the right-holder is required, by the duty’s form, to grasp the action required by the correlative duty first-personally. This enables the right-holder to ‘engage in such actions [as demanding], and [to be] *ready* to engage in such actions in appropriate circumstances’ (p. 58). (What of demanding on the right-holder’s behalf? This comes up below.)

It is worth pausing on the sense of ‘required’ meant by Right-Holder Condition. If this condition is not satisfied, Cruft does not take this to mean that DB is not under a duty owed to RH, nor that RH does not hold a right against DB. For example, Ann still owes it to Ben to meet him at the pub, and Ben still holds a right against Ann that she meets him at the pub, despite Ben’s not thinking of Ann’s keeping her promises made to him. Instead, what it means for Cruft is that the case is nonparadigmatic (or, noncanonical, nongeneric) (pp. 53, 58). This is because the normativity of the Right-Holder Condition (as well as the normativity of the Duty-Bearer Condition) is the normativity of the paradigmatic. That is to say, in the paradigmatic version of our case in which Ann promise Ben, Ben will think of Ann’s meeting him at the pub as keeping her promises made to him. Below, we turn to what we can learn from the normativity of the paradigmatic. As we see, I do not think it is very much.

(c) *The Duty-Bearer Condition*. The Right-Holder Condition ensures that, if capable, the right-holder is able to demand their rights be respected in appropriate circumstances. Suppose that a right-holder does demand compliance of their rights. Cruft says, ‘the *duty-bearer* only accurately grasps whatever [has been] demanded if she thinks, *in the second person*, that

the duty-enjoined action is to be done, as that duty-bearer should put it, ‘to you’ (referring to the person to whom the duty is owed)’ (p. 62). It is from this we arrive at the

Duty-Bearer Condition. DB’s directed duty to Φ owed to RH formally requires DB to grasp Φ as ‘done to RH’, where RH is here conceived second-personally by DB as a potential addressee or ‘you’.

As with the Right-Holder Condition, the normativity of the Duty-Bearer Condition is meant to be the normativity of the paradigmatic. Satisfying the Duty-Bearer Condition is not required for DB to owe her duty to RH, nor for DB to respect her duty. It is required only for an instance of DB holding a directed duty to be a paradigmatic case of holding a directed duty.⁸

Why ought we endorse the Duty-Bearer Condition? One suggestion begins with the thought that demanding one’s rights is the core or distinctive feature of rights and directed duties; and, it is only if the Duty-Bearer Condition is true that the duty-bearer would be required by the form of the duty to hear that demand as it was meant to be heard. However, Cruft – rightly, I think – rejects this approach: ‘it makes the directedness of duties owed to incapable parties non-core’ (p. 65).

(Offhand, we should note that this causes trouble for the way we arrived at the Right-Holder Condition as a condition on the nature of rights and directed duties. I introduced the Right-Holder Condition by showing that demanding requires first-personal thought, so the Right-Holder Condition must be fulfilled to demand; yet, if focusing on demanding makes the rights of those unable to demand noncore, how do we motivate the Right-Holder Condition? I think we are in trouble. More on this below.)

Cruft goes a different way. He suggests that the ‘function of the directed duty (claim-right) concept on this approach is to require the duty-bearer to conceive her duty-enjoined action as to be done to another “you”, to another first-personality among the many with whom we live’ (p. 66). I think this idea sits well with some of the structural features of rights. Here is why one owes one’s duty to the right-holder – because one is required by the form of the duty to think of the action required by the duty as done to the person to whom one owes the duty. Similarly, here is why one wrongs the right-holder rather than merely acting wrongly in an impersonal way – one failed to do a duty to that person. This also explains, I think, the aptness of many of the reactive attitudes that follow from a directed duty’s violation. For example, the right-holder can feel resentment since a duty that was to be thought of as ‘done to me’ was violated.⁹

Before moving on to address the Addressee Theory, note that the Right-Holder Condition requires only that the right-holder think of the action required by the correlative duty as ‘done to me’. It does not require that the right-holder think of the action required by the correlative duty as ‘your doing this to me’. This leaves the Right-Holder Condition lacking symmetry with the Duty-Bearer Condition. But one might wonder why the Right-Holder Condition is merely first-personal, and not second-personal like the Duty-Bearer Condition.

We have good reason to think the Right-Holder Condition does require second-personal thought. Suppose, in a variant to our case above, Ben knows someone was supposed to meet him at the pub but has forgotten that it was Ann. Suppose he calls Ann to complain: ‘Ah, why aren’t they here! They promised me!’ Does Ben demand that Ann respect his rights, here? It is not obvious he does. It is certainly not paradigmatic. Now suppose he says, ‘Ah, Ann, why aren’t you here!? You promised’. With the addition of second-personal address, Ben does demand.

3. What's Behind the Addressive Theory?

For Cruft, what is distinctive of rights is that they are demandable on one's own behalf or on their holder's behalf, although this does not give us a reductive analysis of rights. And, to demand on one's own behalf requires one to think first-personally of the action required by the duty as 'done to me'. Because of this, if one is owed a duty, one is formally required to think of the action required by the duty as 'done to me' (if one is capable of such thought). This is the Right-Holder Condition. And, if one owes someone else a duty, one is required to think of the action required by the duty as 'done to you'. This is the Duty-Bearer Condition. This allows the demand to be heard.

In this section, I raise three critical comments.

(a) *Two Tasks*. We saw there were two parts to Cruft's analysis: first, the nonreductivism and, second, the introduction of the Addressive Theory. My first comment is that these two aspects of Cruft's analysis are, strictly speaking, orthogonal. It could be that we cannot get a reductive account of rights and directed duties off the ground, and that the Addressive Theory is false. Similarly, it could be that some reductive account of rights and directed duties is correct, and that the Addressive Theory is correct. And, as we see below, this is important to remember.

At this stage, one might object as follows. Suppose there is no adequate reductive account of rights and directed duties. It would be good to say something about the nature of rights and directed duties. Since the Addressive Theory allows us to say something, and without it we could not say anything, this gives us some reason to endorse the Addressive Theory. Resultantly, these two aspects of Cruft's analysis are not, strictly speaking, orthogonal.

(b) *Motivating a Nonreductive Theory*. Perhaps we would have some reason to endorse the Addressive Theory if we could not get a reductive account of rights off the ground. However, we would have plenty more reason to endorse the Addressive Theory if we could get a reductive analysis off the ground. Here is why. Because the analysis of rights that Cruft offers is nonreductive, the Addressive Theory does not have a powerful motivational story. Were Cruft also to offer a reductive account of rights, the Addressive Theory would be better motivated. This is why it is important to note, as we did above, that the nonreductivism and the Addressive Theory are orthogonal. For example, suppose that some justificatory version of the Interest Theory of Rights is correct: that is, suppose it was true that DB owes RH a duty if, and only if, (and because) RH's wellbeing was sufficient to place DB under that duty. If this is correct, we could then say, 'and the reason the duty-bearer needs to think second-personally of the action required by her duty – the reason the Duty-Bearer Condition is correct – is that the duty owes its existence to features of the person to whom she owes the duty. That is why she needs to think of the action required by her duty as my doing this to you – to properly appreciate the grounds of the duty'. Similarly, suppose the Will Theory was correct. We could then say, 'and the reason duty-bearers need to think second-personally of the actions required by their directed duties is because the person to whom they owe their duty is in control of their duty. Without the second-personal thought, the duty-bearer would not respect that the right-holder is in control of her, with respect to the right'. Without a reductive analysis, Cruft has nothing of this sort to say.

Now, Cruft does endorse a version of the justificatory Interest Theory as a sufficient condition on right-ascriptions – he thinks, if DB's duty is grounded in RH's wellbeing,

her duty is owed to RH (pp. 17, 75–76). Further, Cruft thinks this is the correct account of natural rights and directed duties: ‘of duties owed to someone whether or not their existence or direction is recognized, and independently of their creation in law or convention’ (p. 17). What is more, if we add to this sufficient condition that the duty is also ‘everyone’s business’, in the sense of ‘rights that anyone anywhere can, *ceteris paribus*, permissibly demand on behalf of the right-holder’, we have a human right (p. 89).¹⁰ He just denies that it is necessary for DB to owe her duty to RH that RH’s wellbeing is the grounds of the duty. We return to this in the conclusion.

How convincing of a comment this is – that Cruft would be better placed to offer us a reductive analysis of rights to support his Addressive Theory – depends on how powerful Cruft’s objections to reductive theories are, which I do not have the space to go into here. Similarly, there would be no need for an underlying reductive analysis of rights if Cruft can offer us some other reason(s) to endorse the Addressive Theory. Let us turn to what reasons Cruft offers us, then.

First, recall the normativity of the Addressive Theory is supposed to be the normativity of the paradigmatic. If the Right-Holder and Duty-Bearer Conditions are not satisfied, we have a nonparadigmatic instance of right-holding and directed duty-bearing. Cruft thinks this also gives us some reason to endorse the Addressive Theory. The idea is, inasmuch as we might reflect on the fact that the Addressive Theory *is* satisfied in paradigmatic cases, this gives us some reason to think the Addressive Theory is correct.

I am not convinced this gives us any reason to endorse the Addressive Theory. When speaking about the normativity of the paradigmatic, Cruft implies that, when a capable right-holder fails to grasp the correlative duty as requiring an action done to them, one fails to fulfil a condition partly constitutive of a duty’s being directed (pp. 52, 62). So, as Cruft sees it, this normativity of the paradigmatic is part of what it is to hold a right against another. If this was correct, this would give us some reason to endorse the Addressive Theory. However, as Cruft acknowledges, were one to fail to satisfy this condition, this does not mean the right and correlative duty do not exist. It shows only that the case is nonparadigmatic. But if it is possible for the right and correlative duty to exist without first-personal thought, first-personal thought is not partly constitutive of the duty. A condition’s being partly constitutive of something means we cannot have that thing without that condition being satisfied.¹¹ For example, the Interest Theory mentioned above says constitutive of holding a right is that the correlative duty is grounded in the right-holder’s wellbeing. Without this condition being satisfied, one cannot hold a right – that is what makes this condition partly constitutive of holding a right. Given that the normativity of the paradigmatic tells us nothing about what constitutes the directed duty and the right but tells us only of what happens in paradigmatic cases, I am left wondering both what to draw from this and why the Addressive Theory would be true.

Cruft unpacks the normativity of the Addressive Theory in another, complementary way. He says: ‘The normativity of each of these formal requirements [the Right-Holder and Duty-Bearer Condition] is the normativity of the paradigmatic and, if one can accept the intellectualism, of full practical virtue’ (p. 64). This is easiest to see if we focus on the Duty-Bearer Condition. Intellectualism about virtue says: ‘It is characteristic of the fully morally virtuous person that she explicitly grasps why her action is right and she can always explain the reason why it is right’ (p. 54).¹² Cruft thinks, if one has only third-personal grasp of one’s duties, one is not going to satisfy the

demands of Intellectualism: one is neither going to be able to grasp nor explain why one's action is right. For example, suppose that Ann fails to appreciate that she is under a duty to meet Ben at the pub (or, suppose she grasps she is under that duty but fails to apprehend it second-personally – she fails to see herself as keeping her promise to Ben). In either case, if intellectualism is true, Ann cannot meet the demands of full virtue – she does not explicitly grasp why her action is required, nor can she explain why that action is required.

Yet, it is not obvious that this second unpacking of the normativity of the Addressive Theory succeeds in explaining why the Addressive Theory is true. Let us suppose intellectualism is correct. When asking about the nature of directed duties, why would the fact that the fully virtuous person needs to grasp their directed duty second-personally affect the form of the duty? The connection may well be obvious if we are asking about the nature of the fully virtuous person's directed duties, but we are not. We are asking about the nature of directed duties and rights.

What is the upshot of all of this? While I think the phenomenology of the Addressive Theory is compelling, I am unsatisfied with the reasons offered for why the Addressive Theory is correct: focusing on the normativity of the paradigmatic does not tell us much and focusing on the normativity of virtue changes the subject. Instead, I submit, Cruft should appeal to an underlying reductive analysis of rights to better motivate the Addressive Theory.

(c) *The Redundancy of the Right-Holder Condition.* Let us turn to my third comment, before tying all of this together. The Right-Holder Condition says that the right-holder is formally required to grasp the duty-enjoined action first-personally only if she is capable of such thought. The Duty-Bearer Condition requires second-personal thought regardless of the right-holder's capabilities. Inasmuch, when asking about the nature of directed duties and rights, the Right-Holder Condition is redundant.

Cruft notices this challenge. He says: 'When the [Right-Holder Condition] pertains to a *capable* party in the [RH] position, that party's capability makes possible a first-personal conception on her part [...] that matches the second-personal conception required of the duty-bearer' (p. 66). Yet, this tells us nothing about the nature of the directed duty itself. We can have a directed duty without the Right-Holder Condition being satisfied; and, when we have a directed duty without this condition being satisfied, this is not a noncore example of a directed duty/right. Because of this, we should see the Right-Holder Condition as pertaining to what it is to hold a right that one is able to demand on one's own behalf. But as Cruft concedes, 'the idea of *demanding on one's own behalf* is not at the heart of the directed duty concept [...] The heart of directedness is the notion of being duty-bound to *act on others who are to be conceived second-personally, as other 'first-persons''* (p. 66).

In reply, one might stress that I am mistaken about the conditional nature of the Right-Holder Condition: while a duty is no less directed whether or not the person to whom it is owed is capable of demanding on their own behalf, the directed duty is nonparadigmatic if the party is capable of demanding on their own behalf yet do not conceive of the duty first-personally. If Ben is capable of first-personal thought but fails to see Ann's keeping her promise as keeping her promises to him, the case is nonparadigmatic. But if a baby fails to conceive first-personally of their parent's duty of not hitting them, this is not nonparadigmatic. The conditional nature of the Right-Holder Condition does tell us something about rights and directed duties.

Yet, this ties back to our discussion of what we can learn from something's being paradigmatic. Here is, I think, a nice explanation of the conditionality of the Right-Holder Condition: a duty can be owed to RH despite their not being able to demand because it is only an upshot, but not constitutive, of directed duties that they are demandable; one way this upshot can misfire is if the party is incapable of demanding. This is in keeping with what Cruft says: 'On this approach the idea of *demanding on one's own behalf* is not at the heart of the directed duty concept, although such demanding is made possible by it for capable parties' (p. 66).

So, I am not sold on the Right-Holder being a necessary formal requirement of rights and directed duties. But there is something we can learn from this. Since it is only the Duty-Bearer Condition that tells us about the nature of holding rights (and being owed a duty), this means holding a right (and being owed a duty) is a passive affair – it does not require that the right-holder do anything. Were first-personal thought, demand, or control required (as the Right-Holder Condition, Demand Theory, and Will Theory require, respectively), being owed a duty would be active affair.

(d) *Conclusion.* I have suggested: (a) Cruft's nonreductivism about the nature of rights and his Addressive Theory are orthogonal; (b) the Addressive Theory would be better motivated if it went hand-in-hand with a reductive analysis of rights; and, (c) the Right-Holder Condition is redundant, from which we can learn holding a right is a passive affair.

Above, I asked the reader to suppose that some justificatory version of the Interest Theory of Rights was correct: DB owes RH a duty if, and only if, (and because) RH's wellbeing is sufficient to place DB under that duty. If that is true, I said, we would have a good explanation for why the Addressive Theory is true: the reason the duty-bearer needs to think second-personally of the action required by her duty is that the duty owes its existence to features of the person to whom she owes the duty. This hooks the duty-bearer up with the grounds of the duty, the right-holder. And, recall I said Cruft endorses this as a sufficient condition on owing someone a natural duty, and jointly necessary and sufficient condition (with the 'everyone's business' clause) to holding human rights.

Cruft could maintain that this underlying justificatory version of the Interest Theory explains both directionality and the resulting Addressive Theory. He could then suggest that, when we have an instance of someone holding a right for which their wellbeing is not the grounds of the duty, in keeping with his thinking that this is not necessary for right-holding, the directionality of the duty is a noncore instance of right-holding. It emulates and is parasitic on natural directedness. Its existence is, to some extent, a fiction – a positivistic affair. And, the reason it does this – the reason we take the duty to be directed, despite its not satisfying the underlying justificatory Interest Theory that itself explains directionality – is because this, to borrow from the opening of the book, 'affects how we should think of our actions in relation to the duty' (p. 1): it normatively links us, requiring 'the duty-bearer to conceive her duty-enjoined action as to be done to another 'you', to another first-personality among the many with whom we live' (p. 66).

Going this way, Cruft could offer us a more compelling explanation of why the Addressive Theory is correct, one that makes sense of why only the Duty-Bearer Condition is partly constitutive of right-holding and owing someone a duty.

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NOTES

- 1 Cruft, Rowan. 2019. *Human Rights, Ownership, and the Individual*. Oxford: Oxford University Press, p. 1.
- 2 There are two simplifications, here. First, I am speaking only of Hohfeldian claim-rights. Second, some adherents to Hohfeldian-correlativity, Cruft among them, think that while all claim-rights correlate with directed duties, not all directed duties correlate with claim-rights (see pp. 12, 80–83).
- 3 This question is famously also asked by Feinberg, Joel. 1970. "The Nature and Value of Rights." *The Journal of Value Inquiry* 4(4): 243–60.
- 4 See Chapters 2 and 3.
- 5 When one 'demands' of another that they Φ , one does not create a duty for them to Φ (for the right and correlative directed duty already exist). Yet, one does more than merely remind someone of their duty (for anyone can remind others of their duties). Cruft says a little about what he thinks this middle ground is, though it would be nice if the resulting view was more definitive (for discussion, see pp. 41–43).
- 6 Elsewhere, I object to the Will Theory on the grounds that allowing fiduciaries to exercise control on others' behalf is unprincipled given the Will Theory's focus of normative control as the grounds of rights (the same is true of the Demand Theory, *mutatis mutandis*): Bowen, Joseph. 2020. "Beyond Normative Control: Against the Will Theory of Rights." *Canadian Journal of Philosophy* 50(4): 427–43.
- 7 See p. 64. Cruft introduces what I call the Right-Holder Condition in sect. 4.4, before introducing what I call the Duty-Bearer Condition in sect. 4.5. I omit what we could call the Duty-Condition for speed of exposition: DB's duty to Φ (undirected or directed) formally requires first personal-grasp of Φ by DB as 'done by me' (introduced in sect. 4.3).
- 8 Cruft says '[a]ddress requires the possibility of first-personal uptake by the addressee, but this can include the way my dog first-personally takes up what is addressed to it when it responds to "Walkies!" or "Dinner time!"' (p. 64). I must admit, while I might be able to address Mouse (my dog), it is not obvious to me that I can address a one-day-old baby, for example. On Cruft's view, this would imply that one cannot owe a duty to a one-day-old baby, nor that the baby could hold correlative rights. However, my informants (those with whom I share an office) have told me, while it is not *as* obvious that one can address a one-day-old baby as it is that one can addressing an infant, they still think address can be meaningful in this context.
- 9 An anonymous referee wonders whether I am a little too quick to think we need directed duties to explain the aptness of these reactive attitudes. For example, they ask whether someone who is uniquely harmed by the violation of an undirected duty might not be owed certain responses, such as apology and compensation. (Something like this is defended by Cornell, Nicolas. 2015. "Wrongs, Rights, and Third Parties." *Philosophy & Public Affairs* 43(2): 109–43.) I think these are interesting questions, although ones that I do not have space to address here. Let me say this: I think the aptness of many reactive attitudes following

the violation of a duty is an upshot of its directedness – it is because the duty was owed to one that one may feel resentment, say. Suppose one disagrees. One will then have to give conditions on what makes these reactive attitudes apt in addition to the undirected duty's violation. Once fully fleshed out, I wonder if we might be having a merely terminological disagreement.

- 10 For discussion of Cruft's view of human rights, see Stemplowska, Zofia. 2022. "Is Humanity Under a Duty to Deliver Socioeconomic Human Rights?" *Journal of Applied Philosophy* 39(2): 202–11.
- 11 An anonymous referee does not agree. They suggest, for example, that having a tail is constitutive of a dog, but that it is possible to have a dog without a tail. I disagree. While the generic, 'Dogs have tails', is true, I do not think it is constitutive of dogs that they have tails. (Why? Because 'Look, a dog without a tail!'). The disagreement comes down to how we are thinking about constitutive conditions, where I think they are necessary conditions, and the referee thinks they are modally less robust (and, perhaps, Cruft). But as the referee notes, this does not affect the substance of my argument: if one thinks of constitutive conditions in this weaker sense, one should read my argument as suggesting that we do not learn anything from constitutive conditions that are not also necessary conditions (other than that the condition is true of the generic). Thanks to Justin Snedegar for discussion on this.
- 12 See Hills, Alison. 2015. "The Intellectuals and the Virtues." *Ethics* 126(1): 7–36. Cruft acknowledges that intellectualism is controversial, so says: 'satisfying the requirement is, if intellectualism is true, necessary for *full virtue* but even if intellectualism is false it is also necessary if the relevant [...] duty is to be a *paradigm* of its form' (p. 55). But now we are back to what happens in paradigmatic cases, which I think we learn little from.