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### Human rights and equality in the work of David Miller

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## **Human rights and equality in the work of David Miller**

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David Miller's position on global justice might be summarised as 'sufficiency not equality'. Justice may require rich individuals to help poor foreigners, but it does not require equality between rich and poor for its own sake. Miller shares this general stance with many major contemporary figures (Rawls, Nagel, Scanlon, Buchanan, etc.), and shares the same justificatory burdens that this stance carries with it. The general challenge for the 'sufficiency not equality' position is to generate an argument that is strong enough to establish the sufficientarian requirements, but whose momentum does not carry the position further into egalitarianism. The philosophical principles that keep Miller's position stable are not obvious. Indeed, some of the arguments that Miller deploys against global egalitarianism may work to undermine his own sufficientarian position. Deeper explorations will be required to discover whether Miller's position on global justice will be able to maintain its desired equilibrium.

**Keywords:** David Miller; human rights; equality; global justice

### **The 'sufficiency not equality' position**

A common position on our moral duties to foreigners can be labeled 'sufficiency not equality'. The 'sufficiency not equality' stance affirms the moral urgency of bringing all human individuals above some threshold of decency, which we can for brevity's sake identify with human rights. Yet the position denies that there is any intrinsic value in individuals becoming more equal in any substantial respect. There would be nothing in itself better about individuals born in different countries becoming more equal in their life expectancies, or in their access to health care, or their educational opportunities. So we lack any duties to promote such equalities for their own sake.

This 'sufficiency not equality' posture is adopted by a number of major theorists, for example John Rawls, Ronald Dworkin, T.M. Scanlon, Thomas Nagel, Allen Buchanan, and Samuel Scheffler. So we might suspect that there is something to it.

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Yet it is also striking how uncomfortable some of these theorists seem in justifying their ‘sufficiency not equality’ position – and especially, for most of them, its anti-egalitarian half. I suspect that these theorists’ discomfort flows from the concern that the arguments they use to ground their humanitarian imperatives will also carry more egalitarian implications than they wish. These theorists lean heavily on the equal dignity and importance of each human life, especially when they are opposing human rights skeptics. When battling libertarians they insist that human rights imply positive duties to maintain others at a decent level as well as negative duties against interference. These theorists then find it difficult to contain the momentum of their own arguments, which pull them toward a positive commitment to substantive equality among individuals. These theorists worry, I suspect, that their drive for humanitarian sufficiency will carry them toward the intrinsic value of equality among all persons.

One symptom of some of these theorists’ discomfort is a tendency to become reticent when the topic of global equality arises. Think, for example, of Nagel’s (2005, pp. 128–129) announcement that the demands of substantive equality can be confined to national contexts because there is something about the way in which national citizenship engages the wills of fellow citizens; or Buchanan’s (2005, pp. 82–85) brief proof that the humanitarian duties he favors are merely ‘compatible’ with some form of egalitarianism.

Like these other theorists, David Miller endorses a ‘sufficiency not equality’ position. Yet Miller has been characteristically articulate in discussing the challenge of substantive global equality forthrightly and at length. My claim here will be that Miller still has more to say before we can be confident that his ‘sufficiency not equality’ stance is stable.

Miller has the opposite problem from the theorists I’ve just described in fitting the two halves of his view together. For Miller’s anti-egalitarian arguments are in plain view. It is his arguments for sufficiency that are not. Miller needs to tell us more about the normative basis of his commitment to human rights for us to be sure that his overall view coheres. Here I will explain why Miller should feel the need to say more to justify his position on human rights, and I’ll notice that he has put significant obstacles in his own path toward doing this. Toward the end I will offer a constructive suggestion concerning one line of argument that Miller’s ‘sufficiency not equality’ theory might deploy.

### **Miller’s ‘sufficiency not equality’ position**

The ‘sufficiency not equality’ elements of Miller’s view can be described quickly (Miller 1999a, 2000, 2007). On the sufficiency side, Miller asserts that the mere fact of our common humanity generates universal requirements to respect human rights. Even those humans who have no special relation to each other must be prepared to act to secure human rights: to secure for

others, that is, the conditions within which their basic needs can be met. Yet on the egalitarian side, Miller ascribes no duties to promote substantive equality across borders for its own sake. Global inequalities among individuals are not intrinsically immoral or unjust. Indeed, we should expect that morally acceptable inequalities among individuals around the world will persist and perhaps increase. This will be the inevitable result of the exercise of national self-determination, which Miller has long argued has its own independent value.

As I mentioned earlier, in supporting this position Miller has confronted head on those who support substantive global equality among individuals. Some of Miller's objections to global egalitarianism strike me as inconclusive; considering them will begin to show why Miller needs to be more forthcoming in supporting the 'sufficiency' half of his view.

### **Miller's objections to substantive global equality**

Some of Miller's objections to global egalitarianism center on measurement and pluralism (1995, pp. 105–106; 2005a, pp. 55–79; 2007, chapter 3). For example, one of Miller's objections to the egalitarian thesis that each human has an equal entitlement to the world's resources is that it will be technically difficult to come up with a metric for evaluating what might count as an equal share. And when considering the thesis that individuals of similar talent and motivation should have the same access to job opportunities regardless of their nationality, Miller objects that value pluralism between cultures will hinder any effort to judge which opportunity sets are truly equal.

These objections are inconclusive because global egalitarians can always ascend to a more abstract goal, and say that we must aim to realize this goal as nearly as we can. Egalitarians can say, for example, that their ultimate aim is that all individuals in the world should start with equal life chances. There may be technical problems in measuring exactly how equal individuals are in their life chances, but on any reasonable view of the current global situation individuals are extremely far from equality. And while individuals in different societies may have different visions of the good life, so far as possible we should ensure them equal opportunities to achieve their visions by leveling life expectancies, health care provision, educational opportunities and so on. We should do what we can, the egalitarians will say, to make individuals equal in ways they clearly and uncontroversially are now not.

Miller has a deeper objection to the global egalitarians than measurement and pluralism. This objection is that global egalitarian theory is incomplete. Global egalitarians, Miller says, have so far only asserted the premise that each human life is of equal moral concern. But they need further arguments to arrive at the conclusion that we have a moral duty to promote global equality among individuals. Egalitarians need further arguments about 'what we owe to human beings as such', Miller says, to make their bare theory of the

human good into a defensible theory of obligations to act. And such arguments about what we owe to humans as such, Miller says, are just what egalitarians have failed to provide (2005a, pp. 66–70; 2007, pp. 31–34).

This is a potent objection, but my sense is that it actually works to Miller's disadvantage. For global egalitarians can indeed set out an argument that connects the good to the right as they see it. This will be an argument along the following lines: 'The life of each individual is of great importance, and is of equal importance, and nothing else is as important as the flourishing of individuals. So a primary moral goal must be to create a world in which the equal moral importance of each life is honored equally: a world in which each person starts with life chances that are as far as possible equal to each other person's life chances. Thus every person has a responsibility to respond to the equal value of human lives by working toward a world in which each person is equally situated with respect to their most important opportunities in life.' This is a powerful line of argument, and whatever the other failings of global egalitarianism it is a line of argument that must be given its due.

### **Miller and the grounds of human rights**

Moreover, after the global egalitarians have parried Miller's charge of incompleteness, they can riposte by turning his objection against his own view. For Miller himself has asserted that we have obligations to all humans everywhere: we have obligations to help secure their human rights. Yet – as he charges of the global egalitarians – Miller has not made available the arguments that are necessary to support this conclusion.

Miller has asserted we all have duties to secure human rights, and has asserted that these human rights are based on human need. But to show how human need grounds human rights, he requires further arguments about 'what we owe to human beings as such'. Miller has not shown, that is, how he makes his account of the human good (the satisfaction of basic needs) into a theory of moral obligation (universal duties to secure human rights). The burden must be on Miller to explain why he believes that each person has a duty to support the human rights of each other. And this burden is especially heavy given the suspicion with which I started, that theorists who draw energy from the equal dignity and importance of each human life in grounding their requirements for universal sufficiency will have difficulty keeping the momentum of these arguments from carrying them toward conclusions regarding universal equality. Global egalitarians seem justified in asking Miller to complete his own theory of human rights. Until he does so they can confront him with the following challenge: 'You show us why you support global sufficiency, and then we'll show you why you must support global equality too.'

The absence of a normative argument in support of human rights is all the more noticeable in Miller's work because of the thoroughness of his

investigations into other aspects of human rights theory. Miller has, for instance, set out a strong account of basic needs (2007, chapter 7). He has also developed a helpful typology of positive and negative duties to respect basic rights (2005b; 2007, chapter 2). He has in addition taken up the difficult but vital question of determining who in any given context should be singled out as having the responsibility for responding to the needs of others (2001a; 2001b; 2007, chapters 4 and 9).

So Miller has done admirable work in explaining *who* should be thought to have duties to respect human rights, *what kinds* of duties these are, and *when* and *where* they must be discharged. Yet Miller still has not explained *why* we have duties to respect human rights – he has not explained why respect for human rights is something we owe to each human being as such. Until Miller answers ‘the *why* question’ the global egalitarian will have the dialectical advantage. For the global egalitarian will have a powerful line of argument connecting equal human moral worth with duties to promote equal life chances. Miller, by contrast, will be left with just the bare assertion that ‘whatever it is’ that requires us to respect human rights does not also require us to aim for human equality.

### Miller’s obstacles

Miller needs to explain why human rights must be respected before we can be certain that his overall anti-egalitarian position is defensible. And unfortunately Miller has put obstacles in his own path toward giving the required explanation. Let me mention two of these obstacles before going on to a proposal for how Miller might fit an answer to ‘the why question’ into his larger theory.

The first obstacle in Miller’s path is the credibility of his own attacks on moral universalism. In his book on nationality, Miller presents forceful arguments that universalistic moral theory rests on an implausible picture of moral agency (1995, pp. 56–59). It is implausible, Miller there argues, to demand that humans reason morally in the absence of special relationships to others. Moreover, he says that it is unlikely that most humans can be motivated by purely rational considerations to respond to the bare humanity of others, unadorned by special sentimental attachments. In presenting these arguments Miller does not commit to an anti-universalist theory. Nevertheless he has armed weapons that threaten his own position on human rights. For his own objections to universalism will be aimed at whatever arguments he himself presents for duties to respect the human rights of those with whom we have no special relationships, and to whom we feel no sentimental attachments.

The second obstacle in Miller’s path is that his contextualist theory of moral obligations will make his missing argument for the ‘why’ of human rights more difficult to supply. Miller’s universal duty to secure human rights is a needs-based distributive principle. In the broadest terms, Miller’s principle

of human rights is that those who are in a position to help have duties toward foreigners whose basic needs are unmet. Yet in *Principles of social justice* Miller posited that needs-based principles are most appropriate within close-knit solidaristic groups such as families and clans. Here is Miller's explanation from that book:

When people share a common identity as members of a community, they see their lives and destinies as interwoven, and their sense of themselves as free-floating individuals is correspondingly weakened, their solidarity gives rise to a more or less powerful sense of mutual obligation, and this naturally expresses itself in a conception of justice as distribution according to need. (Miller 1999b, p. 56)

Now there is nothing to prevent Miller from drawing on needs-based principles to explain the obligations that bind together the closest associates on the one hand, and 'free-floating individuals' on the other. Yet he does face a significant challenge in explaining why the type of principle that is appropriate for ordering moral relations within the most intimate groups is also the type of principle appropriate for ordering the moral relations between the most remote strangers. Here we see Miller's own contextualism fighting against his commitment to universal sufficiency.

### **A constructive suggestion**

Let me offer a constructive suggestion for a strategy to stabilize Miller's 'sufficiency not equality' stance. This suggestion comes from an appreciation of the resources available within Miller's rich work on nationality, and a desire to see how he might use those resources to complete his view.

As I've said, Miller needs to explain why we owe it to each human being to respect their human rights, and he needs to present an argument whose momentum will not carry him into global egalitarianism. I will not venture an answer to 'the why question' here. But my sense is that whatever explanation Miller gives for duties toward all humans, he will want to contain the force of this argument with the idea of national self-determination. The crux of Miller's case will then come down to a contrast between national self-determination on the one hand, and equal life chances on the other. Either we can try to give all individuals equal life chances as far as possible, or we can allow nations to determine their own affairs with the inevitable consequences for international differentials in individual prospects. The heart of Miller's argument must be to show why morality permits us to favor national self-determination when it conflicts with equal individual life chances.

When Miller has confronted this conflict before, he has tended to rest his case in favor of national self-determination on the idea of collective responsibility (2004; 2007, chapters 4–6). This seems insufficient. I accept Miller's claims that collective responsibility is a theoretically respectable concept. Yet



I doubt that this concept has enough moral heft to outweigh the powerful idea that equally valuable individuals should have equal chances for a good life. The main stumbling block for collective responsibility will always be the problem of innocent offspring. National self-determination will always allow the sins of the progenitors fall on their blameless progeny, potentially limiting their progeny's life chances very seriously compared to those of the progeny in other nations. The idea of collective responsibility does not in itself have enough normative power to cleanse this transmission of disadvantage of the taint of unfairness. The case for national self-determination needs more clout than the bare idea of collective responsibility can give it, if it is to justify the way that national self-determination can consign blameless children within some countries to the bottom of a very unequal global distribution of life chances.

Instead of resting solely on collective responsibility, it seems to me that Miller might also argue for national self-determination on the basis that it is good for individuals – and good enough for individuals to outweigh the inequalities that it will inevitably bring. There is a wealth of material in Miller's work concerning why it is good for individuals to live in nations that control their own state. A secure national culture creates a rich and stable context for individual choice, Miller has argued, as well as the opportunity to engage in profitable schemes of local reciprocity. My sense is that Miller could argue that these types of goods provide enough benefits for all individuals within well-functioning nations that the high levels of these benefits will justify their unequal provision. Miller could either argue that the worst-off in a world of effective national self-determination will be better off than they would be in a world of more equal life chances. Or he could argue that the better-off within the world of national self-determination are so much better off than they would be in a more egalitarian world that they cannot rightly be asked to forego these benefits. Or he could argue both.

This will not be a simple argument to make. Yet there is a great deal of material in Miller's work with which to build such an argument, and no one is more qualified than Miller to make such an argument. The proposal is that a robust appeal to the value of national self-determination to individuals – even to individuals who will remain highly unequal – might be effective in bringing Miller's sufficiency and anti-equality positions together.

## Conclusion

This bulk of this article was written before the publication of Miller's book *National responsibility and global justice* (2007), which weaves together several of the articles on which the current article is based. Miller's is a very fine book, with a great number of ideas and arguments that deserve careful attention and reflection. Since my impression is that the book leaves Miller's dialectical situation essentially unchanged, I will conclude by taking the



occasion of the book's publication to apply some of the points above to this text.

First, the book does not attempt to answer 'the why question': why respect for human rights is something we owe to each human being as such. Insofar as Miller addresses the rationale of our duties to respect human rights, he confines himself to unadorned appeals to intuition.<sup>1</sup> These appeals to intuition will continue to invite global egalitarians to appeal to their own favored and potent set of intuitions in reply. Moreover, the absence of an answer to 'the why question' again raises the suspicion that whatever deeper argument Miller will use to ground his 'universal responsibility for global sufficiency' position, its momentum will also carry on to support a 'universal responsibility for global equality' conclusion.

More positively, the book does deploy half of the strategy proposed above: the half that involves arguing that national self-determination is good for individuals. For example, Miller argues that national identity is '*one* of the human goods that have intrinsic value, alongside family life, creative work, and so forth' (2007, p. 39). As can be seen in this quotation, Miller does not assert that national self-determination is an overriding value, and in fact he holds that national self-determination can be overridden for the sake of the 'universal' value of securing sufficiency for all (2007, pp. 258–259). But the intrinsic value of national self-determination for individuals does receive significant emphasis in the book's overall argument.

However, readers will have to wait for future work by Miller for a showdown between national self-determination and global equality to come into focus. In the current book Miller does not attempt a sustained demonstration that the value of national self-determination to individuals is great enough to outweigh the inequalities in life chances that self-determination will inevitably bring.

In part this is because the book downplays the 'inequality' half of the demonstration. Miller goes to some lengths to direct the reader's attention toward the values of national self-determination, for example when describing the deep connections that the people of a nation can come to have with the land that is their home. Yet the book contains only one paragraph that sets out some statistics on the international inequalities that result from the exercise of the rights of national self-determination (2007, p. 51). The book describes the values related to self-determination more vividly than the values related to equality, and this mode of presentation does not aid the reader in assessing these values' relative weights.<sup>2</sup>

In part, too, the showdown is avoided because the confrontations between self-determination and inequality that do appear in the book tend to have an unreal 'all-or-nothing' character. For example, Miller observes that measures designed to maintain substantive equality among all humans – such as wholesale global economic redistribution or a limitless universal 'open borders' policy – would eliminate national self-determination entirely

(2007, pp. 72–73). Yet those drawn by the value of equality among all humans are unlikely to hold that equality is the only value. Most egalitarians will readily acknowledge that collective self-rule is valuable as well. The live questions regarding self-determination and equality are not all-or-nothing, but are rather questions about how much of each value should be realized. How much should national self-determination be limited in order to achieve how much equality among individuals? Here global egalitarians will make an immediate analogy to the family: we recognize great intrinsic value in individuals belonging to families that are largely self-determining within certain domains, but we support a sweep of public policies (for example, anti-nepotism laws, inheritance taxes, free public schooling) designed to limit the inequalities that familial self-determination can generate. The interesting explorations for egalitarians at the global level similarly search for principles to balance self-determination and equality, and of course for institutions that could feasibly realize such principles.<sup>3</sup>

Finally, on the crucial question of innocent offspring, the book again puts off the substantive debate. Miller imagines four countries, two of which ('Ecologia' and 'Condominium') for some generations pursue restrained resource and population policies, and two of which ('Affluenza' and 'Procreatia') do not. Inevitably, Miller says, individuals in the first two imagined countries become better off than individuals in the second two. In one paragraph he considers the fate of the children in each:

What about children born into [Affluenza and Procreatia], who have clearly played no part in an acting the relevant policies? Why isn't it unfair that they begin life with lower material prospects than their counterparts? ... Assume that resource levels have not fallen to the point where the rising generation are unable to secure a minimally decent lives. The charge, then, is that their access to advantage is lower than it might be if the previous generation had pursued more prudent policies, of the kind prevailing in Ecologia and Condominium. But this is not a very weighty complaint: it does not seem to be a matter of justice that our predecessors should leave us with any particular level of per capita resources, so long as the level does not fall below the required to sustain the institutions that make a decent life possible ... The children of Affluenza and Procreatia may, then, regret that their predecessors chose to act in the way that they did, but this by itself is not sufficient to give them a claim on the resources now enjoyed by the citizens of Ecologia and Condominium. (Miller 2007, p. 72)

Global egalitarians will first object that the contrast in this passage is overdrawn. Egalitarians need not commit to justiciable international claims on resources across borders. They need only assert that the value of global equality exerts some moral pressure toward limiting the range of outcomes that may be produced by national self-determination. Second, and more pointedly, these egalitarians will notice the lack of realism and argument offered in the paragraph above. Miller does not need to go to science fiction to find inequalities

among humans. And egalitarians will request more than an assertion that these inequalities are of no intrinsic moral concern.

Today about the same number of babies (around 2000) will be born in the United Kingdom and in Morocco.<sup>4</sup> Let us choose one newborn from each country – say, the one from the household that is closest to the local average national income. Both this British baby and this Moroccan baby can expect incomes above a high international poverty line of \$4/day, so both can expect to live above a level of ‘sufficiency’. Yet in other respects their life prospects are quite unequal. The Moroccan baby can expect to get half the years of education as the British baby, while attending much worse schools; moreover, the Moroccan baby is an order of magnitude less likely to achieve basic literacy. The Moroccan baby is much more at risk of suffering from health impairments of all kinds throughout life, such as parasites, middle ear infections, and cataracts. And, most dramatically, the Moroccan baby can simply expect eight fewer years of life than the British baby. For effect, one can imagine holding the British newborn in one hand, and the Moroccan baby in the other. What will Miller say here that can justify these newborns’ very real and very unequal futures?

## Notes

1. Such as this one: ‘No one denies that, other things being equal, all human beings should enjoy the conditions that allow them to live decent lives, and that this may impose responsibilities on those who are in a position to create such conditions’ (Miller 2007, p. 200).
2. One example of the kind of statistic that might bring out the extent of global inequality more vividly: Americans with the average income of the bottom 10% of the US population – so, for example, some of the bedraggled poor that one saw that trapped on highway bridges after Hurricane Katrina in New Orleans – have a higher income than two-thirds of the people in the world (Milanovic 2002, p. 89).
3. Miller mentions that global analogs of measures used to limit domestic inequalities are hard to envision (2007, p. 73). However the first issue must be the principled balance of values between national self-determination and global equality; such principles will provide normative standards against which to evaluate the various reforms of national and global institutions that egalitarians have proposed.
4. Data in this paragraph drawn from Nationmaster.com (accessed 17 April 2008).

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