Editorial

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The concept of rights figures in both ethical and legal theories. The primary niche of rights is the relation between a state and its citizens. While some theorists find that all rights are legal rights – moral rights are for them proto-legal rights which should be codified –, others think that at least some moral rights are *sui generis*. Human rights are no doubt the most important type of moral rights. Contrary to national, civic rights, the scope of human rights is global, and its validity is not restricted to particular legal territories. Especially since the adoption of the Universal Declaration of Human Rights by the United Nations in 1948, human rights became the moral basis for international politics, and also function as a political weapon for poor and oppressed people. A recent development is that the human rights framework is also used as a moral basis for action outside the political sphere, e.g., within the sphere of medicine and health care. While the addressee of right claims *to* health care is still the state, the right claims of individuals – patients – *within* health care are addressed to health care providers and health care institutions. It is interesting to note that the increasing popularity of the human rights framework within health care seems to go along with the also increasing popularity of care ethics.

The first half of this issue is dedicated to the issue of human rights in bioethics. We are grateful to John Stewart Gordon of Cologne University for taking the initiative for this special issue and for his editorial work. In his contribution to the special issue, John gives an introduction to the debate on the relevance of the human rights framework for bioethics and situates the other contributions within that debate.

The second half of this issue opens with an article by Robert S. Taylor in which he discusses whether government restrictions on hate speech (understood as group libel) are consistent with the priority of liberty. This policy question serves as the starting point for a wider discussion of the use and abuse of non-ideal theory in contemporary political philosophy, especially as practiced on the academic left. Taylor begins by showing that hate speech can undermine fair equality of opportunity for historically-oppressed groups but that the priority of liberty seems to forbid its restriction. This tension between free speech and equal opportunity creates a dilemma for liberal egalitarians. Non-ideal theory apparently

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offers an escape from this dilemma, but after examining three versions of such an escape strategy, Taylor concludes that none is possible: liberal egalitarians are indeed forced to choose between liberty and equality in this case and others. He ends the paper by examining its implications for other policy arenas, including markets in transplantable human organs and women's reproductive services.

Non-ideal theory is also the subject of Lisa L. Fuller's paper. Non-ideal theory, she argues, is typically divided into: (1) "partial compliance theory" and (2) "transitional theory". The paper focuses on issues arising in transitional theory, in particular in relation to what Rawls' has called "burdened societies", that is, those societies that find themselves in unfavourable conditions, such that their historical, social or economic circumstances make it difficult to establish just institutions. The paper investigates exactly how such burdened societies should proceed towards a more just condition in an acceptable fashion. Fuller first tries to anticipate what a Rawlsian might say about the best way for burdened societies to handle transitional problems and so move towards the ideal of justice. Next, she constructs a model of transitional justice for burdened societies. Ultimately, she argues for a model of transitional justice that makes use of a non-ideal version of Rawls' notion of the worst-off representative person.

The subject of Thaddeus Metz' article is moral status. According to him, dominant conceptions of moral status in the English-speaking literature are either holist or individualist. He thinks that neither of them accounts well for widespread judgements, such as that animals and humans both have moral status that is of the same kind but different in degree; that even a severely mentally incapacitated human being has a greater moral status than an animal with identical internal properties; and that a newborn infant has a greater moral status than a mid-to-late stage foetus. Metz argues that an underexplored, modal-relational perspective does a better job of accounting for degrees of moral status. According to modal relationalism, something has moral status insofar as it capable of having a certain causal or intensional connection with another being. Metz articulates a novel instance of modal-relationalism grounded in salient sub-Saharan moral views, roughly according to which the greater a being's capacity to be part of a communal relationship with us, the greater its moral status.

In the last article, Marion Hourdequin argues that, contrary to what internalism about reasons implies, we can make sense of moral reasons as reasons that apply to, and are capable of motivating, agents independently of their prior interests and desires. More specifically, she argues that moral agents, in virtue of their capacities for empathy and shared intentionality, are sensitive to reasons that do not directly link up with their pre-existing ends. In particular, they are sensitive to, and hence can be motivated by, reasons grounded in the desires, projects, commitments, concerns, and interests of others. Moral reasons are a subset of this class of reasons to which moral agents are sensitive. Thus, moral agents can be motivated by moral reasons, even where such reasons fail to link up to their own pre-existing ends.

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