Is an agent's epistemic state (esp. non-culpable ignorance) relevant to whether it is rights-based permissible for her X?

Theoretical Commitments of Rights Talk Grounded in moral status Protect agents' interests and/or agency	**Separation Strategy: Never** B's Xing objectively infringes A's rights iff, were B to X *with full information*, Xing would infringe A's rights. $[$ objective chance$_O$ x (result$_O$)$]$ Epistemic limitations are relevant *only* to agent-evaluation (blame/praise)	**Evidence-Relative: Always** B's Xing objectively infringes A's rights iff, were B to X *given B's (appropriately idealized) evidence,* Xing would infringe A's rights. $[$ evidential probability$_O$ x (result$_O$)$]$ B's epistemic limitations are *decisive*.	**Perspectival: Sometimes** Fact-relative, but not full-info $[$ objective chance$_O$ x (result$_O$ & epist.sit$_O$)$]$ Some facts about B's limitations affect permission; others only agent-evaluations.
Correlativity: A's claim right that B X entails that B owes A an (enforceable) duty to X	Epistemic limitations *should* affect: - which duties exist (*hikers*) - the relative priority of duties *(doctor)* - which actions satisfy B's duties - whether an action can be reasonably demanded	Allows epistemic limitations to be decisive; secures reasonable duties. *But* allows ignorance to erase too many claim rights	Constrains duties by what B can 'reasonably be expected to know' Possibly an asymmetry between positive and negative rights
Deliberatively: Rights (i) provide reasons to guide agent's *ex ante* deliberation. (ii) ground duties to give rights-holder's concerns certain weight in their deliberation	1. Facts B cannot know cannot provide her with ex-ante guidance. 2. Deliberative care is *part of what is owed*; so facts about the agent's epistemic states are relevant to whether the duty is fulfilled. The second of these can't be offloaded to subjective permissibility.	The more idealised, the less accessible guidance; the less idealised, the worse the distributive failures.	Depends on details! Mine: Provides heuristics, and otherwise says do your best to avoid errors. Supplies imminent guidance for agents.
Distributive Role: Rights are supposed to provide *ex post* reasons that: - settle who owes and who should receive compensation - characterise the fair demands of agents	If disvalue is not discounted by epistemic probability, unfairly demands the rights-holder bear all risks associated with enforcement errors. If disvalue *is* discounted by epistemic probability, error distributions undermine security & risks pool in unjust ways.	- Renders rights too fragile; deliberative care is not *all* that is owed! - Yields the wrong compensation verdicts (*duped soldiers*) - Exacerbates the risk pooling problems seen in separation strategy	Mine: heuristics allow appropriate discounting, distributing risks of each type of error cost & preventing bad pooling of both kinds. Preserves compensation claims for victims of misleading evidence.

Objective Rights and Epistemic Risks

Renee Bolinger, Australian National University (reneebolinger@gmail.com)

Error: An action done in non-culpable ignorance, that, if performed with full information, would be a rights-infringement.

Rights-based moral standard: Prohibits Xing iff Xing will infringe an agent's rights.

Hikers: Magne is the chief of rescue operations at Trolltunga. Two hikers are stranded on the mountain, but are unable to signal for help, and Magne does not know that they are on the mountain. Were he to launch a rescue operation to their location, the hikers would be saved without endangering the rescuers.

Doctor: Jill is a physician who has to decide on the correct treatment for her patient, John, who has a minor but not trivial skin complaint. There are 100,001 treatments for John's condition, but Jill knows that John is allergic to nearly all of them. Jill knows that a will only partially cure him, but won't kill him. Of the remaining 100,000 treatments, Jill knows that exactly one would fully cure John, but she doesn't know which; and she knows that all the others will kill him. In fact y is the full cure. There are several actions Jill could perform:

> *Risky*: Reasoning that she has a duty to do what is in fact best for John, Jill tries, prescribing a non-a treatment, knowing (given the odds) it will almost certainly kill him. It does.

> *Lucky*: Jill reasons as before, and runs a 99.999% risk of killing John, only this time her guess is lucky. She prescribes y, and it cures him completely.

> *Safe*: Reasoning that it would be wrong to run a 99.999% risk of killing John, Jill prescribes a knowing that it won't fully cure John, but also runs no risk of killing him. John is partially cured.

> *Mislabelled*: Reasoning as before, Jill prescribes a believing it will partially cure John without risking killing him. Unknown to Jill, a lab tech has switched the labels; the treatment labelled a is actually one of the other 100,000, and it kills John.

Duped Soldiers (from Quong 2012): A group of young soldiers are successfully fooled by a totalitarian regime into believing that the regime is good and just, and is under repeated attacks form their evil neighbours, the Gloops. The regime's misinformation campaign is subtle and absolutely convincing: the soldiers are justified in believing what they are told by the regime. Once the misinformation campaign is complete, these Duped Soldiers are given orders to attack and destroy a Gloop village on the border, which they are told is really a Gloop terrorist camp plotting a major attack. In fact, the Gloop village contains only innocent civilians.