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TWO CULTURES FIFTY YEARS ON: THE DECLINE AND REVIVAL OF ETHICAL REASONING?*

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Abstract

In Europe the first half of the twentieth century saw a widespread loss of confidence in important forms of normative reasoning. Supposedly both ethical and political reasoning have since been revived, and there is some evidence for this in the enormous amount of academic publication in both fields.

However this supposed revival remains fragile and contested. The fragility is revealed in the dominance of discussions of rights to the exclusion of duties in normative discussions in the public domain; in widespread lack of interest in duties that lack counterpart rights; and in the disproportionate ethical significance accorded to certain individualistic presuppositions of action, such as conceptions of individual autonomy, individual preferences and individual identity.

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Contrasts between the humanities and the natural sciences are long established, and often focus on differences in the methods used in the two domains. Typically attention is given to differences – or supposed differences – between the empirical methods of the natural sciences and the reflective or interpretive methods of the humanities. This way of looking at matters goes far back. I think is first found in a contrast that Kant drew in many of his later writings between *determinant* and *reflective* judgement. Determinant judgement is a matter of *applying* concepts to cases, and is fundamental (although only part of the story) in empirical investigation, in and beyond the natural sciences. Reflective judgment is a matter of *finding* concepts for cases, and is widely seen as central to hermeneutic and interpretive inquiry, in and beyond the humanities. Kant himself did not particularly link determinant judgement to the natural sciences, but he does explore the use of reflective judgment in the interpretation of texts and in the appreciation of beauty in many of his later works. Versions of the contrast between empirical determination and investigation and reflective or interpretive studies have subsequently been proposed and developed, for example by Dilthey, by Matthew Arnold, by Collingwood, by Gadamer and by many others.

An influential, if peculiarly insular, version of this contrast was advanced by C. P. Snow in his well known and much discussed Rede Lecture of 1959, under the title *The Two Cultures*. Snow was a physicist: he had worked in Rutherford's laboratory, played a leading role in recruiting scientific manpower for the war effort, and wrote a series of best-selling novels in the post war period. Yet his claims about the differences between scientific and humanistic cultures are some ways sharper and more combative than those of earlier writers had been, and also less sophisticated.

Snow actually says remarkably little about the methods used in the humanities, indeed apparently thought they displayed a lack of method. In this he relied heavily on a local example. He contrasts certain Cambridge scientists, most of them physicists, with a group

of writers and critics loosely linked to the critic F. R. Leavis, who were also prominent in Cambridge in the middle of the last century, whom he refers to with disdain as ›literary intellectuals‹, and (inaccurately) designates as ›the traditional culture‹. Snow's approach was therefore narrower and more partisan than that of earlier writers on these themes, including British writers such as T. H. Huxley in his 1880 lecture *Science and Culture*[1] and Matthew Arnold in his 1882 Rede lecture *Literature and Science*.[2] Huxley had defended the natural sciences and Arnold literary studies, but each had showed more understanding and respect for the other academic culture than Snow – both scientist and novelist – displayed.

Snow puts his accusations in the mouths of unspecified natural scientists. He asserts that ›literary intellectuals‹ are »unconcerned with their brother men«, »in a deep sense anti-intellectual« and all-too-often drawn to fascism and worse. He accepts that natural scientists may be ignorant – or perhaps merely diffident – about literature, but as he sees it

> … they have their own culture … which contains a great deal of argument, usually much more rigorous and almost always at a much higher conceptual level than literary persons' arguments

Snow accuses ›literary intellectuals‹ of engaging only with one another and producing nothing that counts as knowledge, let alone as useful knowledge. Even more culpably, he accuses them of gross ignorance of exceptional scientific culture amid which they lived, which in Cambridge in those years included a galaxy of Nobel Prize winners in physics, chemistry and medicine.
Snow's accusations were not only sharp, but often sneering:

> A good many times I have been present at gatherings of people who, by the standards of the traditional culture, are thought highly educated and who have with considerable gusto been expressing their incredulity at the illiteracy of scientists. Once or twice I have

been provoked and have asked the company how many of them could describe the *Second Law of Thermodynamics*. The response was cold: it was also negative. Yet I was asking something which is the scientific equivalent of: *Have you read a work of Shakespeare's?*
I now believe that if I had asked an even simpler question – such as, What do you mean by *mass*, or acceleration, which is the scientific equivalent of saying, *Can you read?* – not more than one in ten of the highly educated would have felt that I was speaking the same language. So the great edifice of modern physics goes up, and the majority of the cleverest people in the western world have about as much insight into it as their neolithic ancestors would have had.

In 1962 Leavis replied in a critical lecture which – intentionally or otherwise – showed the justice of some of Snow's accusations, and outdid his sneering tone. Leavis wrote

Not only is [Snow] not a genius, he is intellectually as undistinguished as it is possible to be … ›The Two Cultures‹ exhibits an utter lack of intellectual distinction and an embarrassing vulgarity of style [3]

Snow was certainly *distinguished*, but not in *any* way that Leavis prized. Leavis's response, I think, confirms the truth of Snow's accusation that a troubling cultural distance and mutual disdain divided ›literary intellectuals‹ and physicists, and perhaps others working in the humanities and the sciences, at least at that time: and some of that tension remains with us.

Tensions and differences between cultures, including intellectual and academic cultures, continue; and fault lines in the cultural and intellectual landscape can seem like deep crevasses from close up. What we cannot find, I suggest, is one fissure that separates work in the natural sciences from work in the humanities. We have long moved away from, and probably never inhabited, a world of precisely

two intellectual or academic cultures, let alone two that fit C. P. Snow's template. Fifty years on it is also plain how much Snow's case depended on caricaturing a very specific literary and critical subculture, and on claiming that it was representative of all non-scientific culture.[4] Snow did not really think there was *anything* to be said about the methods used in the humanities. It seems that he may have imbibed the then influential claims of the *logical positivists*, who thought that those who did not put forward empirical truth claims were making claims that were unverifiable, so literally meaningless.

2. Naturalistic and interpretive methods

There is some merit in contrasting naturalistic and interpretive methods, but it is misleading, although common, to associate the former with the natural sciences and the latter with the humanities. Empirical methods are often used in humanistic inquiry, and the natural sciences often rely on or dispute interpretive moves. A great deal of work in the humanities makes empirical truth-claims, and seeks evidence to falsify or support them. Work in the humanities mainly differs from work in the natural science not because it makes no empirical claims, but because experimental testing of hypotheses may be impossible (e. g. when investigating past events) or unacceptable (e. g. because it would require experiments on human beings), and secondly because the humanities make truth-claims about cultural as well as natural objects.

The objects studied in the humanities include, but are more diverse than, the objects of study of the natural sciences because they are very often individuated and classified in culturally specific terms. The humanities study *representations* and *artefacts*, and the activities and ways of life in which they are embodied and deployed. So one task of humanistic inquiry is to *interpret representations*, (words, texts, symbols, images, musical scores) and *artefacts*, (pictures, manuscripts, tools, furniture, buildings). And a second task is to interpret *uses* of representations and artefacts in action and practices, such as

beliefs and attitudes, mentalités and performances, discourse and communication, as well as wider constellations of these that constitute more abstract cultural objects, such as languages, genres, traditions, and what are now called identities (and used less confusedly be spoken of as *senses* of identity) – or indeed cultures.

But interpretation is not confined to the humanities. The natural sciences (and the technologies that build on them) also constantly interpret and reinterpret evidence and propose new ways of looking at aspects of the natural world. Cancer researchers may revise a classification of tumours in seeking a more perspicuous view of their aetiology and susceptibility to classes of drugs; geologists may ›read‹ present landscapes as traces of past events; psychiatric research may reinterpret mental symptoms and highlight new patterns as significant. Reinterpretations and revisions of scientific concepts – from the basic concepts of physics to domain specific concepts such as those of *species*, *gene*, *information* or *statistical significance* – are often used and needed in formulating and testing new empirical claims.

3. Normative and Practical Inquiry

However, neither empirical and interpretive methods, nor their combination is enough. Taken together they can provide only an incomplete view either of the possibilities or of the necessities of inquiry and reasoning. Neither method addresses *normative* or *practical* questions, among them ethical and political questions. (Nor does the contrast make it explicit that inference and formal analysis are essential for all modes of inquiry – but I leave this aside: it is something that even logical positivists accept, and is hardly controversial). The marginalising of normative or practical reasoning has often been seen as unimportant during the last century. Some natural scientists are still happy to claim that discarding normative, and in particular ethical, questions is the right thing to do, and that science is and should be *value neutral* (these, I think, are internally

inconsistent claims), or to suggest that all values are merely personal and subjective. Other writers, often working in the social sciences, claim that interpretive inquiry does not in fact neglect normative or ethical questions, since it elicits and expounds the values implicit in the histories, cultures, ways of thought and of life that are studied. However, normative (including ethical) questions are neither addressed nor resolved by studying others' attitudes towards or beliefs about them. Practical reasoning and judgement aim to shape future action, not to interpret ways in which others have understood or now understand their own or others' action. Both practical reasoning and practical judgement are deployed in seeking to change the world, rather than to describe or to interpret it.

One way of trying to understand how far we now are from a clear grasp of normative, including ethical, questions, might I think be review how we have got to where we are. What changes in the way people think about normative, including ethical, matters have taken place during the past century? What has been lost? What has been gained? What has been revived or retrieved? What else might be revived or retrieved? The topic is vast and my remarks will be only gesture to ways in which ethical and political questions have marginalised in the public domain, and to changes that would be needed to reverse this.

4. Marginalising Ethics

Traditionally religious, philosophical and popular conceptions of morality in Europe centred on duty. However in the last 150 years the old Kantian question ›What ought I do?‹ – one of the elements of his wider question ›What is man?‹ – has been marginalised.
Sometimes (but not always) this reflects a retreat from reliance on contested matters of Christian faith. The shrinking of normative claims that were grounded in religious faith was apparent well before the start of the C20, and then accelerated. The ethics of faith

and duty had been condemned by Nietzsche; its passing had been mourned by Matthew Arnold (1867).[5] A notably reduced and privatised version of ethics was all that survived in G. E. Moore's bizarrely influential *Principia Ethica* (1903), where the final chapter sees good in experiences of beauty, pleasure, friendship and knowledge – but no longer in families, institutions, communities or nations, or in action or in relationships, and least of all in duty.

This intellectual onslaught did not undermine the ethics of duty in day-to-day life. Indeed the ethics of duty revived in a popular but shocking form early in WWI in the form of widespread, indeed enthusiastic, insistence that you ought to do your duty, and that your duty is to serve, and if necessary to kill or be killed for your country. Of course, for most people duty to King or Kaiser and Country was only the public face of duty, to be set alongside duties to God, to family and friends, to neighbours and to the poor. Yet a belief that patriotic duty had distinctive, indeed overriding, importance became briefly and wildly popular. It is sobering to remember the fervour with which the outbreak of war in 1914 was greeted, and sobering to read how widely killing for a patriotic cause was seen as noble. W. B. Yeats was rare in his misgivings »Those that I fight I do not hate / Those that I guard I do not love … Nor law, nor duty bade me fight / Nor public men, nor cheering crowds«.[6] The crowds who cheered in 1914 thought otherwise.

That ethic of patriotic duty is often represented, or misrepresented, as an ethic of sacrifice. Those killed in conflict are described as making ›the ultimate sacrifice‹, even when they are conscripts (so do not choose their fates) and when they kill others. The idea that *being killed for a cause* and *killing for a cause* were both forms of noble ›blood sacrifice‹ became widespread. Some of those who supported the Easter 1916 rising against British rule in Ireland went further, and described those who had killed others and lost their lives in attacks that they had themselves initiated as *martyrs*. And this aberrant terminology is still with us. A martyr, one might think, is someone who defends a noble cause and is killed *by others* for doing so. So something very surprising has happened when those who choose to

kill themselves for a cause (like hunger strikers), or to kill others who are no threat to them (like suicide bombers) are called martyrs.

Patriotic duty unsurprisingly lost much of its hold in Europe after WWI. The ideals of the League of Nations and the writers of the interwar period reject patriotic duty in favour of more modest and temperate conceptions of ethics. Hostility to the narrow conception of public duty as patriotism in conflict, that had been so fervently asserted was now widely expressed. It was memorably articulated in 1938 by the novelist E. M. Forster in a much-quoted comment that »If I had to choose between betraying my country and betraying my friend I hope I should have the guts to betray my country«[7] – and his thought resonated.

Meanwhile in narrower, philosophical circles it looked as if the ethics of duty was finally being laid to rest by the startling success of logical positivism, with its uncompromising insistence that only empirically verifiable and analytical claims were meaningful, and that ethics, aesthetics, metaphysics and theology should be jettisoned as ›literally meaningless‹. As we all know, these claims were soon questioned, and the basic arguments shown up for what they were: poor arguments.[8] The aridities of logical positivism were tamed by calmer versions of empiricism, and its wholesale rejection of ethics was softened by attempts to characterise so-called emotive meaning, and the like. Yet the influence of this attack on normative claims, and in particular on ethical claims, continues.

In the wake of logical positivism came post-war claims that ›political philosophy is‹. And despite the revival of the academic subject, this position is still apparent in widespread tendencies to answer ethical and political questions either by referring to the subjective opinions people hold about them, or by asserting that they are simply a matter of consensus or agreement, and that there is nothing deeper or more robust to be said. We have, in short, become unconfident and apologetic about making ethical claims, or claims about what is just. We condemn certain sorts of action not as *wrong*, but as *inappropriate*. We speak of people as *having* values, but shrink from suggesting that some of those values might be wrong, reprehensible or repugnant,

and others important or justified.[9] Questions asked about the justification of ethical claims are now surprisingly often answered simply by pointing out that they are widely accepted or endorsed.

5. A Revival of Duty?

So much for decline and loss: what about revival? As we all know, the fate of interwar philosophy and of the philosophers who had trashed ethics and political philosophy was changed not by the refutation of their arguments, but by the emergence of totalitarian regimes and the huge human and moral costs of their policies. It became all too obvious that consigning normative, and in particular, ethical claims to the dustbin of history had been a bad plan. But what actually emerged post WWII was *not* a revised or improved version of the ethics of duty, but a much narrower public commitment to human rights. The revival of political philosophy that we associate with John Rawls and to a degree with Jürgen Habermas, and the separate and more subdued revival of ethics that we associate with virtue ethics, were both of them later developments. Between them they picked up some, *but only some*, of the normative concerns and arguments that had been abandoned. Today, however, I shall comment more on the earlier public commitment to rights, than on the selective philosophical buttressing they subsequently received.

The Human Rights set out in UDHR in 1948 and in ECHR in 1950 look superficially as if they might offer an updated version of the ethics of duty, at least for the public domain, and moreover one that is nicely shorn of metaphysical and theological presuppositions. But the reality is less clear and more troubling, in several respects. I list some obvious difficulties.

First, since declarations are not in the business of justification, it is unclear why normative weight should attach to whatever they proclaim. To be sure treating the Declaration and the Convention as fundamental meant that human rights could be supported in *some contexts* by pointing to the fact that certain states had ratified these

instruments. The downside is that these positive ›justifications‹ have limited weight. They cannot provide reasons for states that have *not* signed up to do so, or (an all too common situation) for those that have signed up, yet persistently ignore human rights standards, to change their ways. Appeals to mere agreement or to ratification may not rely on *logical positivism*, but they typically rely on versions of *legal positivism* that leave deeper questions of justification unanswered. This is justification-lite.

Second, the rights proclaimed in 1948 were detached from any allocation of the counterpart duties to competent agents: it was left obscure *who* ought to do *what* for *whom*. The drafting of *UDHR* gestures to the thought that the duties lie with *states*, but then confusingly also assigned them variously to *nations*, *countries* and *peoples*. Some of these entities lack the integrated capacities for action and decision-making needed for agency, let alone for carrying the complex duties that securing respect for or realisation of the proclaimed rights would require. It is no wonder that it began to look as if the rights proclaimed were no more than *manifesto rights*, without adequately clear practical import.

Fifty years ago these lacunae were addressed *up to a point* by the two UN Covenants of 1966, the *International Covenant on Civil and Political Rights* (*CCPR*), *International Covenant on Economic, Social and Cultural Rights* (*CESCR*), which explicitly and specifically assign duties to the *states that ratify these instruments*. So, despite the universalist rhetoric, the inhabitants of states that did not sign up and ratify the Covenants were still left in limbo. Moreover, a careful look at the Covenants shows that they do not in fact assign the duties that would have to be met for the UDHR rights to be secured to the states party. Rather they assign to the states party *second-order duties* to *ensure respect* for the rights in *CCPR* and to take steps to *support the realisation* of rights in *CESCR*. For example, Article 2 of the *CESCR* proclaims that

> Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-opera-

tion, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.[10]

›Achieving progressively the full realisation of … rights … by all appropriate means‹ is a matter of ensuring that *unspecified others* – for example a complex combination of individuals and institutions – discharge whatever complex range of duties would secure those rights. It requires the states party to construct institutions that secure some adequate allocation of the counterpart duties. Whereas traditional ethical discourse had focused on human duties to others, the new discourse was more indirect. It focused on second-order duties to bring about some allocation of first-order duties that could, if observed, secure the declared rights. The Covenants of 1966 were an advance on the indeterminate claims of UDHR, in that they offered some answer to the accusation that the rights declared had only been manifesto rights. They were now to be seen as rights that the states party (but not other states) had duties to ensure that *others* respected and realised.

I think we have now reached a point at which we can ask whether it remains a good idea to assign these second-order duties wholly and solely to the states party. A standard and optimistic answer is that it was and remains a good idea, because only states have powers sufficient to secure respect for and realisation of rights.[11] A second and more pessimistic answer might note that assigning the task of ensuring that others respect and realise rights to the very powerful is deeply problematic – rather like assigning the care of hen houses to foxes. Human rights are often seen as rights against states – yet simultaneously as rights to be secured by states.

A third answer might be that the solution at which the Covenants aimed is now obsolete. The year 1966 was a high water mark of state power: the colonial empires were being dismantled, but the cold war was at its height and states were defended and separated by well-de-

fined boundaries within which they could exercise effective power. However the various changes that we refer to as globalisation have now dispersed power in ways that make securing respect for and realisation of human rights much harder for states. The world of 2016 includes not merely a range of rogue states and failed states that will not or cannot secure rights for their inhabitants, but has become a world of porous borders, in which even powerful and generally responsible states find their powers weakened, while those of sundry non-state actors have grown. This fundamental change suggests that viewing states, or specifically the states party, as the pivotal (let alone the sole) bearers of second-order duties to ensure that others respect and realise rights may not longer be so plausible.[12]

Third, declarations of rights are necessarily silent about duties that lack counterpart rights, which include traditional imperfect duties and duties to self − in effect *most of ethics*. The post-war response to the ethical nihilism of logical positivism addressed only the ethics of the public domain. Although traditional assumptions about those duties remain part of daily life, their intellectual and institutional backing has been weakened. So-called virtue ethics has recolonised some of the terrain of imperfect duties, but has shed the thought that virtues are a matter of duty, as opposed to a matter of culture or of preferred ›conceptions of the good‹. This weakening is seen by some as liberation from the tyranny of duty, because it creates a space for individuals to make their own ethical commitments.

In place of an account of ethical duties to one another we now find an enormous, but largely unargued, emphasis on the normative importance of individual choice. Three examples will have to suffice. First: *individual autonomy* (variously conceived, and wholly different from Kantian autonomy) is widely seen as an important value. But individual autonomy may be expressed in odious as well as admirable principles and decisions, and it is less than clear why it is to be treasured if we lack a well-grounded account of the ways autonomous agents *should* act. Is it not a matter of an appeal to an abstract, second-order value replacing substantive ethical or political claims?

Second: appeals to *individual preferences* have gained greatly in weight, and of course form the backbone both of economic theory and of consumerist ideologies, both now in high ascendancy in the public domain. Here too we see an appeal to the abstract, second-order value of choice replacing substantive ethical claims.

Third: appeals to *individual identity* (and the eclipse of the more precise and demanding language that distinguishes *identity* from *sense of identity*), have been promoted and are used to suggest that my choices are fundamental to ›who I am‹. *Identity* in the older sense may be weighty, but is not a matter of choice; *sense of identity* may sometimes be open to choice, but it is less than clear how weighty it is. As we watch increasing insistence that human individuals can define and redefine their own (senses of) identity, we see the continued erosion of ethics and its replacement by subjectivism.

6. Philosophy to the Rescue?

I have tried to sketch some standard contemporary views of political and ethical claims that are now entrenched in the public domain. But, of course, philosophical writing also matters, and while philosophers (as usual!) come late to the party, it is still worth asking what they have brought and could bring. One confident answer might be that in the last fifty years they have brought the revival of political philosophy; they have brought applied ethics; and they have brought virtue ethics. How useful have these contributions been? I do not have time to consider all three, but will offer some brief comments on the revival of political philosophy.

The revival of political philosophy has certainly been voluminous, but the assumptions on which it has been rebuilt are less than convincing. One way of looking at it − I offer only a selective view − would be to consider the *scope* of its claims. Communitarian approaches have been upfront about this: they avowedly offer an analysis of the self-understanding of communities that is not intended

to stretch beyond their boundaries, and accept that they cannot offer more than relativistic justifications of norms: *internal critique* is not intended to travel beyond borders. Liberal political philosophy aims to have wider scope, but on closer inspection it also often assumes certain boundaries. For example, John Rawls' later justification of his two principles of justice assumed the context of a bounded, liberal, democratic polity that secures its borders. Habermas loads a conception of reason onto a notion of unconstrained discourse in which all can participate, whose real world realisation would (to say the least) demand complex and effective institutions and the boundaries those institutions required. Other liberals have tried to load less onto structures and more onto individuals' capacities of rational choice.

Could philosophy do more? I think it could, but that this would require more careful and rigorous thought about practical reason and practical judgement. It is fascinating to explore the self-understandings of individuals and societies: but self-understandings and reflective judgement alone are not action guiding. They do not aim to justify an account of practical reasoning or practical judgement, or to show how we should seek to change the world. The revival of ethics and political philosophy is a task that in my view remains unfinished, despite huge academic industry. I think philosophers who work on ethics and political philosophy need to admit that, and to aim higher.

Notes

1 Thomas H. Huxley, *Science and Culture*, 1880, reprinted in his *Science and Education: Essays*, London 1893, p. 134-59.
2 Matthew Arnold, *Literature and Science*, b in R. H. Super, Ed, *The Complete Prose Works of Matthew Arnold*, vol. X, Ann Arbor, University of Michigan Press 1974, p. 52-73.
3 Leavis's lecture was reprinted in *The Spectator* on March 9 1962, and later (after legal vetting) in book form.
4 He more or less concedes this in accepting that it was ill-considered of ›scientists‹ (not of himself!) to base their political aspersions on the ›literary intellectuals‹ on selected writers of the period 1914-50.

5 Matthew Arnold, Dover Beach, 1867: The Sea of Faith / Was once, too, at the full, and round earth's shore / Lay like the folds of a bright / girdle furl'd. / But now I only hear / Its melancholy, long, withdrawing roar, / Retreating, to the breath / Of the night-wind, down the vast edges drear / [15] And naked shingles of the world … Ah, love, let us be true / To one another! for the world, which seems / To lie before us like a land of dreams, / So various, so beautiful, so new, / Hath really neither joy, nor love, nor light, / Nor certitude, nor peace, nor help from pain; / And we are here as on a darkling plain / Swept with confused alarms of struggle and flight, / Where ignorant armies clash by night.

6 W. B. Yeats, »An Irish Airman Foresees his Death« 1918: ›I know that I shall meet my fate, / Somewhere among the clouds above; / Those that I fight I do not hate, / Those that I guard I do not love; / My country is Kiltartan Cross, / My countrymen Kiltartan's poor, // No likely end could bring them loss / Or leave them happier than before ….. / Nor law, nor duty bade me fight, / Nor public men, nor cheering crowds, / A lonely impulse of delight / Drove me to this tumult in the clouds; / I balanced all, brought all to mind, / The years to come seemed waste of breath, / A waste of breath the years behind / In balance with this life, this death.‹

7 E. M. Forster, *Two Cheers for Democracy*.

8 One *reductio ad absurdum* of logical positivism was that the verification principle itself was neither empirically verifiable nor an analytic truth, so was by their own standards literally meaningless.

9 Compare these two schematic dialogues: (1) A: ›Why did you do x?‹; B: ›It promotes *my* values‹ and (2) A: ›Why do you assert p?‹; B: ›Because p is F (where F stands for any arbitrary predicate)‹; A: ›that's not much of a reason‹; B: ›It is *my* reason‹. Is the first type of dialogue any more cogent than the second?

10 Article 2 *CESCR* at http://www.unhchr.ch/html/menu3/b/a_cescr.htm.

11 Cf. a well known interchange at the end of the trial of the bank robber Willie Sutton, where the judge asked ›Mr Sutton, why do you rob banks?‹ and a puzzled Willie Sutton replied ›Your Honour, that's where the money is‹. One reason for assigning al l duties to the states would be if *only they* had power to act. But is this an adequate reason?

12 Caney; JAB; cf. the Ruggie principles.