Needs and Global Justice

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In this paper I argue that needs are tremendously salient in developing any plausible account of global justice. I begin by sketching a normative thought experiment that models ideal deliberating conditions. I argue that under such conditions we would choose principles of justice that ensure we are well positioned to be able to meet our needs. Indeed, as the experiment aims to show, any plausible account of distributive justice must make space for the special significance of our needs. I go on to offer some empirical support for this view by looking at the important work of Frohlich and Oppenheimer. I then present an account of our basic needs that can meet a number of goals: for instance, it provides a robust theoretical account of basic needs which can enjoy widespread support, and it can also provide an adequate framework for designing policy about needs, and thus help us to discharge our global obligations. I then briefly discuss the relationship between basic needs and human rights, arguing why the basic needs standard is more fundamental than—and required by—the human rights approach. Finally, I tackle a few important sets of objections to my view, especially some objections concerning distributing our responsibilities for meeting needs.

1. Global Justice: The Basic Framework

In this section I offer a systematic way of thinking through what global justice requires of us, a way which I believe can tackle a number of issues together, though here I focus on how it can supply us with an excellent framework for settling matters of global distributive justice. By discussing a normative thought experiment I show that global distributive justice requires, at the very least, that all are suitably positioned to enjoy the prospects for decent lives which, as I go on to show, is importantly cashed out in terms of meeting human needs.

I take my inspiration for the thought experiment from Rawls, though crucial details of my view are quite different from Rawls' account as should become quite clear soon enough. Rawlsian-style

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thought experiments are well suited to examining what an ideal world might require of us.[1] These thought experiments, when properly set up, are a good way of fleshing out what we can reasonably expect of one another in a way that avoids inappropriate partiality: if people do not know what positions they might find themselves in during the lottery of life, they will pay more attention to what would constitute fair arrangements.[2]

An easy way to enter the thought experiment is to imagine a global conference has been organised. You have been randomly selected to be a decision-making delegate to this conference. You are to participate in deciding what would be a fair framework for interactions and relations among the world's inhabitants. Though you have been invited to the decision-making forum, you do not know anything about what allegiances you have (or may have after the conference concludes), but you do know that whatever decisions are made at this conference will be binding ones.

It may turn out that you find you belong to a developing nation, occupy a territory with poor natural resources, belong to a generation which does not yet exist, and so forth. Given these sorts of possibilities, you are provided with reasons to care about what you would be prepared to tolerate in all these cases.

[1] I say 'Rawlsian-style' rather than 'Rawlsian' since I think there is much of value in the method Rawls employs, but much less of value in the assumptions he makes and the conclusions he thereby endorses, as discussed in *The Law of Peoples* (Cambridge: Harvard University Press, 1999). Importantly, the method I describe provides a way we can try to help people think through what it would be reasonable to agree to in the choosing situation I go on to outline.

[2] Many people raise questions of the following kinds when talk of social contracts is introduced: Is the contract supposed to be actual or hypothetical? If only hypothetical then why does a purely hypothetical contract have any binding force anyway? And if it has no binding force, then why adhere to it? I see talking in terms of social contracts as a way to specify what expectations various parties to the contract may reasonably have of each other: it is simply a way of fleshing out what those reasonable expectations might be. So, in answer to the questions listed: no, the contract developed assuming the ideal world presupposition is neither an actual contract nor a purely hypothetical one. It is a way to sift through what (actual) parties might reasonably expect of one another, by imagining a certain (hypothetical) choosing situation. Talking about social contracts is a way to talk about, and so uncover, the reasonable expectations people might have of one another (especially in situations of ongoing cooperation).

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You can have access to any information you like about various subjects (such as, history, psychology, or economics), but so far as possible, very little (if any) information about subjects like the demographics of world population should be made available. The idea is that you should not have access to information which could lead you to deduce odds, since (for instance) if you know that over 1 billion of the 6 billion people alive today are Indian, some might be tempted to gamble that they are going to turn out to be Indian, and so try to ensure Indians get better treatment than others. I want to eliminate scope for this sort of gambling. I contend that if a rational individual does not know the odds, it is not rational to gamble (under at least certain conditions, especially the ones described). She will have to think more seriously about what the strains of commitment will really involve and what she will honestly be prepared to tolerate.

More positively, certain information will be made available to all delegates. This information pack includes material about our urgent global collective problems and how we will have to co-operate to solve them. Delegates will have information about various threats to peace and security, including threats we face as a result of the increasing number of people who have access to weapons (especially weapons of mass destruction), and the activities of terrorists and drug traffickers. Delegates will have information about various environmental threats we face, such as, the destruction of the ozone layer and the current state of knowledge about global warming. Information about threats to health such as the spread of highly infectious diseases will also be included. Some of this information will make clear that these problems have global reach and require global co-operation if they are to be resolved. Some of this material will also maintain that the people of the world are in a state of interdependence and mutual vulnerability, they rely on each other crucially if they are to achieve any reasonable level of peace, security, or well-being both now and in the future.[3]

The main issue delegates must entertain concerns what *basic* framework governing the world's inhabitants we can reasonably expect to agree on.[4] Delegates will be aware that all entitlements

[3] They will also have information about those who dissent from these common views.

[4] Here I do not mean what Rawls calls 'the basic structure' since there is anyhow so much confusion in Rawls's own account of what this is. (See, for instance, G. A. Cohen, *If You're an Egalitarian, How Come You're So*

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chosen will need to be financed and so generate obligations.[5] What is the minimum set of protections and entitlements we could reasonably be prepared to tolerate? What would be the minimum reasonable lot for people to agree to? Since delegates have no particular knowledge of how they will be positioned, who each will be once the conference adjourns, it would not be rational to agree to any arrangements that would be too unbearable, since they might end up having to occupy the position of such a person. More positively, delegates would find it reasonable for each person to be able to enjoy the prospects for a decent life and much discussion would be about the (minimum) content of such a life. I submit we would centre discussion towards the terms of agreement around at least two primary guidelines of roughly equal importance, namely, that everyone should enjoy *some* equal basic liberties, and everyone should be protected from certain real (or high probability) opportunities for serious harms.[6]

Reasonable people will care, at least minimally, about enjoying a *certain* level of freedom. Freedom may, of course, not be the only thing they care about and often they may not care about it very much when other issues are at stake about which they care more deeply. Nevertheless, reasonable people will care at least a little about enjoying *some* freedoms. Many kinds of freedoms will be of interest, but importantly, they would include freedom from assault or extreme coercion (such as slavery) and *some* basic freedoms governing movement, association, and speech. We need to be permitted to evaluate and revise the basic organising ideas of our lives should we choose to do this. Delegates should recognise that it is possible they could find themselves in a society with whose major organising values, principles, and commitments they disagree. In

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Rich? [Cambridge: Harvard University Press, 2000], especially 134–147.) Rather the basic framework covers the basic rules of interaction, both individual and institutional, governing human beings in the world.

[5] Delegates will be given detailed information about the resources available to finance provisions for currently existing generations. They will also be provided with our current state of knowledge concerning the rate at which resources may be used to ensure sustainability.

[6] Perhaps someone may wonder whether there is only one important principle at issue here, the principle concerning protection from real opportunities for serious harms, since the freedoms highlighted are important because being deprived of them can lead to serious harm. I prefer my formulation because it brings into better view two key features that would be selected in the normative thought experiment.

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such situations, it would be reasonable that some might want to have the scope to question and revise the values operative in the society, or at least a certain freedom to live their lives in accordance with values they find more congenial. Recognising this they would, therefore, endorse a certain freedom of dissent, conscience, and speech.[7]

In addition to caring about protecting freedom, rational decision-makers will also want protection from real opportunities for serious harms to which they would be vulnerable (and potentially powerless to resist) in certain cases. Under some kinds of arrangements there could be enormous opportunities to inflict harms. For instance, multinational corporations operating in unregulated market economies can threaten people's abilities to subsist in various ways, for instance, they can pollute so severely that they poison the soil and water such that crops are no longer able to grow properly, (or perhaps more controversially, they can control labour markets so that wages are set at or below bare

[7] Delegates would want certain minimum guarantees about what counts as permissible treatment. Heading the list of guarantees we would choose would be guarantees against assault, torture, imprisonment without trial or sufficient warrant, extreme coercion of various kinds (such as slavery) and so forth. But as I have also suggested, it would be reasonable for them to add some freedoms governing dissent, conscience, speech, association, and movement.

Would this idea really need further justification? Perhaps someone might press for one, especially someone concerned with the idea that those not from liberal democracies might not see this emphasis on freedom as so important or even reasonable. So let me say more about why I think the level of attention I give to freedom can be expected to be universal. If you do not know anything about what sort of position you will occupy under the new arrangements, why would you allow some people to have more freedom of a very basic kind than others? Unless you agree that everyone should have equal basic freedom, you might end up (say) giving some people more basic freedom than you have: you might deny yourself the freedom to go about your business free from assault, though others enjoy this liberty. Given their lack of knowledge about their particular interests, contractors would be most rational in agreeing to equal basic liberties. Similarly, it would not be rational to agree to adopt (say) racist or sexist practices, or practices that favour certain religions over others, since one may find oneself at the receiving end of such practices once the conference concludes. It would be more rational not to place constraints on one's liberties and opportunities, since it would be rational to have more rather than less freedom to pursue whatever your goals turn out to be.

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subsistence level). In these kinds of cases people's abilities to subsist may be significantly undermined.

Indeed, people considering what arrangements to adopt would be vigilant to ensure that meeting their needs is within their reach and so importantly protected, since being unable to meet our basic needs must be one of the greatest harms that can ensue.[8] Reflecting on the gravity of such a harm in particular, more positively but in a similar vein, we would find it reasonable to have certain guaranteed minimal opportunities and those would be strongly coloured by what is necessary to be enabled to meet our basic needs for ourselves.

Furthermore, delegates should consider the possibility that they are permanently disabled and they should also consider the actual periods of extreme dependence which naturally occur in the human life-cycle. Having contemplated these issues, delegates would want adequate protections to be guaranteed should the need arise. Delegates should be strongly motivated to choose not only that we ensure certain minimal opportunities to meet our needs ourselves are available, but also that persons should have adequate provisions to be assisted with need-satisfaction, should they not be in a position to meet their needs themselves.

So my claim is that the minimum package it would be reasonable to agree to in the ideal choosing situation I have identified is that we should all be adequately positioned to enjoy the prospects for a decent life, as fleshed out by what is necessary to be enabled to meet our basic needs and those of our dependents (but with provisions firmly in place for the permanently or temporarily disabled to be adequately cared for) and certain guarantees about basic freedom.[9] We would use this as a base-line and endorse social and political arrangements that can ensure and underwrite these important goods.

The minimum package endorsed will have implications for most spheres of human activity, especially economic activity and political

[8] Indeed, what could be a more fundamental harm than being deprived of one's livelihood or the ability to eke out a livelihood for oneself and one's dependents?

[9] I have suggested that a rough guiding principle we would choose is to have social and political arrangements that allow reasonable opportunities for us to be enabled to meet our basic needs. But wouldn't we want more? Would we find it reasonable to endorse something like a Global Difference Principle, or more substantive equality? As I go on to discuss in the next section, a needs-based principle is in fact most often chosen (in relevant experiments) and this for compelling reasons as we see.

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organisation. For instance, economic activity must be sensitive to everyone's prospects for a decent life and regulations must be devised to ensure this. Extensive sets of rules would need to be outlined to make plain for all just what would constitute important threats to people's prospects for decent lives. Organisations that can monitor and enforce these rules must be established.

What sort of governance structure would we endorse? There are many kinds of arrangements we could choose but two key guiding principles would operate: we would want our vital interests (such as our ability to subsist) protected and it can be anticipated that we would want to retain as much control over affairs that directly affect us as is consistent with protection of those vital interests. Any governing authorities we endorse will have as a high priority that they are to protect our vital interests and the legitimacy of governing bodies will rest on their ability to do an adequate job of this. Mixed forms of governance might reasonably be chosen such that in some matters local bodies have complete control, in others—where protection of vital interests can only be secured if there is widespread co-operation across states—joint sovereignty might reasonably be chosen. At any rate, whatever governing structures we endorse would have as the central part of their mandate to protect people's vital interests, to ensure that people are so positioned that meeting their basic needs is within their reach and their basic liberties are protected.[10]

As discussed, delegates are aware that all entitlements chosen need to be funded and so generate financial obligations. Resources will need to be forthcoming to fund the arrangements that are

[10] Questions about the kind of favouritism we may show to co-members of our group can only be addressed once there is commitment to the basic framework with all its protections. Assuming this is the case and we have a suitably well organised basic structure in which vital interests are protected, all have prospects for decent lives and as much control over those lives as is consistent with protection of vital interests, it may be permissible to favour other interests of compatriots and in other ways be partial to members of one's group in conferring further benefits, so long as this is not in conflict with provision of the basic agreed framework. Theoretically, at the very least, there is some permissible space for favouring our compatriots in certain matters, but the extent of the favouritism we may show must be governed by the commitment we all have to support the basic framework and does not include (for instance) favouring the non-basic interests of compatriots above more needy non-compatriots, since this would not be selected in the normative thought-experiment.

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chosen as minimally acceptable. We will need to address the issue of what counts as fair ownership of resources, but whatever account of fair ownership of resources we endorse, cannot be such that it effectively blocks funding reasonable arrangements necessary to underwrite the basic framework, since obligations to set up and do our part in supporting the basic framework are more fundamental.

2. Empirical evidence for the view

A skeptic might complain that such arm-chair theorising is all well and good, but what evidence is there really that anything like what I suggest would be chosen, would *actually* be chosen? I am happy to report that there is quite a bit of encouraging evidence to support these claims. First of all, I talk about the work of Norman Frohlich and Joe Oppenheimer.

Frohlich and Oppenheimer argue that the key to understanding issues of distributive justice is choosing under conditions of impartiality (that is, where one must set aside certain particular interests we actually have which might well skew our judgments about fairness). They designed some experiments to set up conditions of impartiality so that they can assess what principles would be chosen and how stable these choices prove to be over time.[11] Imperfect information can generate ideal conditions for impartiality to operate, and so the experiments set up a situation in which subjects do not know what will be in their immediate self-interest, yet must choose, as a group, by which principle of distributive justice they will run their affairs. Frohlich and Oppenheimer repeated their experiments in different countries to ensure the results were generalizable. They were particularly interested to see whether Harsanyi's principle of maximising the average income or Rawls' idea of maximising the income for the worst off would be chosen. They offered participants four principles, but allowed them also to choose any other they could think of.[12] The four principles were:

[11] Norman Frohlich and Joe Oppenheimer, *Choosing Justice: An Experimental Approach to Ethical Theory* (Berkeley and Los Angeles, California: University of California Press, 1992).

[12] Ibid., 201.

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1. Maximising the floor income: 'The most just distribution of income is that which maximizes the floor (or lowest) income in the society'.[13]
2. Maximising the average income: 'The most just distribution of income is that which maximizes the average income in the society'.[14]
3. Maximising the average with a floor constraint of $_____ : 'The most just distribution of income is that which maximizes the average income only after a certain specified minimum income is guaranteed to everyone'.[15]
4. Maximising the average with a range constraint of $_____ : 'The most just distribution of income is that which attempts to maximize the average income only after guaranteeing that the difference between the poorest and the richest individuals (ie., the range of income) in the society is not greater than a specified amount'.[16]

Individual subjects then ranked which of these principles they preferred and how confident they felt about their rankings. For principles in which there is a dollar sign followed by a blank space, participants were asked to fill in the blank, if they chose that principle.

There were several stages to the experiments such as checking that participants understood all the principles, also that they understood that their selection would determine their income and that they would be randomly assigned to an income class. The participants also had to deliberate and decide as a group which principle they supported. After the group selection was made, subjects drew chits from a bag to get a distribution into an income category (low, middle, or high income). Later in the experiments they were given the chance to perform tasks to earn income and to have redistributive policies applied to see whether people were able to live with their choices.[17]

Unanimous agreement was reached on a single principle in all cases in which the experiments were run properly.[18] Interestingly, the principles chosen in the experiment do not support either Rawls' or Harsanyi's models. Indeed, there was almost no support

[13] Ibid., 35.
[14] Ibid.
[15] Ibid.
[16] Ibid.
[17] The tasks consisted of correcting spelling mistakes.
[18] Ibid., 56–7.

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for the Difference Principle—it was chosen in only about one percent of cases. It was certainly the least popular choice. By far the most popular choice in all countries was the principle with the guaranteed floor constraint: Around 78% chose the floor constraint principle, 12% chose to maximise the average income (Harsanyi's solution), 9% chose the range constraint principle, and 1% chose the Difference Principle (Rawls's choice). Overwhelmingly, groups 'wanted an income floor to be guaranteed to the worst-off individual. This floor was to act as a safety net for all individuals. But after this constraint was set, they wished to preserve incentives so as to maximise production and hence average income'.[19]

What arguments were used for the floor-constraint principle? In just about all groups there was a concern that individuals not fall below some minimum level of income—*that they have enough to meet their basic needs*.[20] But concern was also raised about how to set the floor so that it didn't undermine incentives to work.[21] There was also tension expressed between 'the desire to preserve entitlements and to ensure that people at the bottom were not too badly off'.[22] Overall, three factors dominated the discussion: balancing people's basic needs with entitlements and incentives.[23]

[19] Ibid., 59.

[20] Typical of the points made on this issue were these two sets of comments:

1. 'I would like to see that everyone at least has the basic things. After that I don't really care. [If the floor is too low] ... a lot of people are going to be starving, and they will be without shelter and housing' (Transcripts, 99).

2. 'If you have people that are really poor, ... they have a tendency to just stay there because you know there isn't enough nutrition, they can't get an education, and all these kinds of things. But if you put it on a certain minimum, then they have a chance to get out of that situation. They have a chance.' (Transcripts, 72).

[21] Ibid., 61–62.

[22] Ibid., 63.

[23] Since there was such a high level of support for a floor-constraint principle, can we say the principle is a fair rule? Frohlich and Oppenheimer go on to extensive discussion to check whether various factors may have undermined the execution and design of the experiments and so what we can say about the results. They argue that the subjects are not so homogenous in values or background that the resulting choices simply reflect that homogeneity rather than universal preference. (ibid., 74).

They seem particularly concerned that they are not just reporting people's antecedent preferences. They show how the experiments did

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How stable are the choices when people must live with their decisions? Do the high producers feel they are not getting their due when part of what they earn is redistributed to others? Frohlich and Oppenheimer found continued firm support for the floor constraint principle and, in fact, confidence over the principle and productivity increased when people experienced the results of having their decisions implemented.[24] I return to some of these important findings later, but before leaving Frohlich and Oppenheimer's work, it is worth noting that their experiments have been repeated many times now in different contexts with similar results.[25]

Of course, there is some much more direct evidence that can be appealed to, in arguing that people *would* choose policies about helping people to meet their needs in any plausible account of global distributive justice: overwhelmingly, they do *in fact choose* such policies in relevant fora. A number of conferences have recently taken place, and attention to basic needs was very much a

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make a difference to participants' views, since their rankings, preferences and confidence levels all change during the experiments. After extensive analysis they conclude that 'the shifts in both preference and confidence are clear evidence of considerable movement caused by both the learning and decision phases' (ibid., 104).

[24] Ibid., 118.

[25] Rena de la Cruz-Dona and Alan Martina, *Diverse Groups Agreeing on a System of Justice in Distribution: Evidence from the Philippines* (Australia National University, Canberra: Mimeo, 2000); Michael Jackson and Peter Hill, 'A Fair Share,' *Journal of Theoretical Politics* **7** (1995), 69–179; Grzegorz Lissowkski, Tadeusz Tyszka and Wlodmierz Okrasa, 'Principles of Distributive Justice: Experiments in Poland and America,' *Journal of Conflict Resolution* **35** (1991), 98–119; Tatsuyoshi, Saijo, Shusuke Takahashi, and Stephen Turnbull, 'Justice in Income Distribution: An Experimental Approach' Mimeo presented at the 1996 ISA, San Diego, April 18, 1996. Other experimental evidence for the salience of needs in issues in distributive justice can also be found in a host of other places, such as, Maya Bar-Hillel and Menahem Yaari, 'Judgements of distributive justice,' in Barbara Mellers and Jonathan Baron, *Psychological perspectives on justice: Theory and applications* (Cambridge: Cambridge University Press, 1993), 55–84; Helmut Lamm and Thomas Schwinger, 'Norms concerning Distributive Justice: Are Needs Taken into Consideration in Allocation Decisions?' *Social Psychology Quarterly* **43** (1980), 425–429; and David Miller, 'Distributive Justice: What the People Think,' *Ethics* **102** (1992), 555–593, especially, 570 – 576.

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cornerstone of the policy recommendations that ensued.[26] Granted, these conferences took place in less than ideal circumstances, especially with respect to impartiality—delegates of course knew everything about their actual circumstances, interests, and other relevant information about their positionings. The fact that such conclusions followed without even imposing the relevant requirements of impartiality is further evidence of the power and the salience we attach to the concept of our basic needs.

3. Is any theoretically robust account available to match our ordinary intuitions about the relevance of our needs?

So far I have argued that global justice involves giving special attention to everyone's basic needs. I have argued that not only is this required by looking at theoretical arguments, but I have also offered strong empirical evidence for the view. In our deliberations about justice we do in fact give special weight to considerations of basic need.

According to my view of global justice, part of our obligations to all involve ensuring that they are adequately positioned with respect to meeting their basic needs. So we will need an account of basic needs which can enjoy widespread support across cultures, can be used in the actual world as a basis for policy, and can be specific enough that we can use it in evaluating whether we are making progress with respect to the needs meeting aspects of global justice. Is such an account forthcoming? Is any theoretically robust account available to match our ordinary intuitions about the relevance of our needs and yet determinate enough that we can use it in designing policy?

On my account, a need is basic if satisfying it is a necessary condition for human agency. I link my account of basic needs to agency for several reasons, for instance, the link emphasises that needs are important because of what they enable us to do (and doing things requires being able to act, or agency). The link also provides good leverage in arguing for our responsibilities to meet these needs for several key opponents of such policies, such as

[26] Consider, for instance, the recommendations that were captured in the Earth Charter (eg Principle 9), and the Johannesburg Declaration on Sustainable Development (eg Principle 18). The general thrust of the Millennium Development Goals is also (arguably) an example of this focus.

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libertarians.[27] For now, I want to focus on how this link to agency helps us derive a list of our basic needs which can circumvent concerns about how an account of such needs could be sufficiently 'objective', non-arbitrary, and enjoy widespread cross-cultural support.

If basic needs are those things the satisfaction of which is necessary for human agency, by examining the pre-requisites of human agency, of what being a human agent is like, we can derive a more specific list of such conditions, and so basic needs. For instance, by definition, to be an agent one must be able to deliberate and choose. In order to deliberate and choose one will need at least a certain amount of (1) physical and mental health, (2) sufficient security to be able to act, (3) a sufficient level of understanding of what one is choosing between, and (4) a certain amount of autonomy. Because of its important role in developing (and maintaining) (1) – (4), I also add a fifth basic need which underlines the importance of our social needs, namely, (5) decent social relations with at least some others.[28]

On my account, the basic needs themselves are constrained by the nature of human agency and so, are universal, though the ways in which they may be satisfied may vary. This is an important point: we need to distinguish between the needs themselves and the 'satisfiers', or what would satisfy them. On my view, the basic needs themselves are fixed by the preconditions for agency and so are universal, but even casual inspection confirms that the satisfiers are subject to enormous variation and this allows for much cross-cultural flexibility in how we may meet needs.

[27] For more on arguments targeting libertarians see (for instance) Gillian Brock, 'Is Redistribution to Help the Needy Unjust?', *Analysis* **55** (1995), 50–60, reprinted in *Necessary Goods: Our Responsibilities to Meet Others' Needs*, Gillian Brock (ed.) (Oxford: Rowman and Littlefield, 1998), 173–183.

[28] While I think we can derive the other conditions all conceptually, by thinking about the nature of human agency and what must be required for its development and the exercise of it, getting at this last need may be more a matter of looking at empirical evidence. There is a huge amount of empirical evidence that not meeting this need can significantly impair one's psychological health see, for instance, M. Kellmer-Pringle, *The Needs of Children*, 2nd edn (London: Hutchinson, 1980), M. Seligman, *Helplessness* (New York: Freeman, 1980, especially 137); George Brown and Tirril Harris, *Social Origins of Depression* (London: Tavistock, 1978); Raoul Naroll, *The Moral Order: an Introduction to the Human Situation* (Beverly Hills: Sage, 1983).

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How can we attach such an account to measuring need-satisfaction in the actual world so that we can design policies and evaluate whether we are making progress with respect to meeting needs? A number of empirical measures are now widely used today to assess the meeting of needs which can give us figures for populations and hence cross-population comparisons, and here I draw substantially on the work of Len Doyal and Ian Gough.[29] To assess physical health we can use measures like life expectancy and mortality rates at specific ages, prevalence amongst children of suffering from developmental deficiencies, percentage lacking access to safe water or sanitation, calories consumption below WHO requirements, percentage in structures that do not protect against weather conditions typical in the area, percentage experiencing concentrations of pollutants greater than WHO standards, and percentage not immunised against various diseases. Similarly, for mental health we can use indicators that assess prevalence of various mental illnesses. To assess the second basic need, having sufficient security to be able to act, we can use measures such as homicide rates, percentages who are victims of state violence, war, crime, and so forth. To assess whether people have a sufficient level of understanding of what they are choosing between we can use indicators such as illiteracy, 'lack of attainment in mathematics, science and other near-universal basic skills,'[30] what Doyal and Gough refer to as 'lack of culturally relevant knowledges,'[31] and so forth. To assess levels of autonomy, a number of variables are relevant, certainly all of (1) – (3) already discussed, but some additional factors are important too, notably, the economic opportunities available to one which can be measured by unemployment levels, number of hours available for economic activity after other essential tasks (such as collecting safe water and fuel) are completed, illnesses and deaths related to the main lines of work available in the area, percentage in absolute poverty, and levels of state provisions for particular contingencies such as unemployment. For decent social relations with at least some others, we could use measures such as the percentage of children abandoned, abused, or neglected, and Doyal and Gough's measure of the percentage of people without close relationships.[32]

[29] Len Doyal and Ian Gough, *A Theory of Human Need* (Basingstoke: MacMillan Education Ltd, 1991).
[30] Ibid., 190.
[31] Ibid.
[32] Ibid.

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Summarising the key issues of this section, then, my account provides a theoretically robust model of our basic needs, which can be used in determining which central needs we must be concerned with in order to meet our obligations of global justice. It provides a solid framework that lends itself well to be a bridge to the empirical factors that should come under investigation for us to realise policies concerned with needs in the actual world.

4. What is the relationship between human rights and needs?

Someone might object that human rights is a better discourse for talking about our obligations of global justice, than discourse about human needs. There are a few reasons why such a view is inadequate. Most obviously, human rights discourse is not obviously better when talking about matters of global *distributive* justice, for instance, we don't see people *actually* talking this way in the relevant empirical evidence I referred to earlier. More interestingly, we might see why the human rights discourse is not better than talk of needs when we ask about the basic relationship between these two.

What is the relationship between human rights and needs? There are several possibilities. One is that they are just different kinds of standards addressing different issues: the human rights standard focuses on our reasonable entitlements and protections we are owed as human beings. By contrast, our human needs are what we require to function minimally well as the kinds of creatures we are. But even cursory inspection of these two descriptions should indicate that a knowledge of what our human needs are must be had before we can sensibly have a go at defining the entitlements that will be protected as human rights. In order to draw up a sensible list of our human rights we must have a sense of our basic needs.

This is a key aspect of the relationship between basic needs and human rights: we must have an account of our basic needs in order to draw up a sensible list of human rights. A needs-based account is thus more fundamental than a human rights account. It is necessary to drawing up a coherent and comprehensive list of our human rights. A plausible list of human rights must be informed by an account of human needs. A needs-centred account is more basic than—and so makes plausible—an account of human rights. Indeed, I submit we can explain all the human rights that are set

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out in the Universal Declaration of Human Rights in terms of my account of basic needs, a commitment to equality between persons, or clarification of the purposes of the document. I show this in Appendix 1. (See Appendix 1 for a detailed analysis of this claim for each article.) This explanatory power can be a consideration for favouring my account of basic needs over rivals, if they are not similarly potent.

Even fans of human rights should be keen on discourse about human needs, because it has a number of desirable features. First, as I have already suggested, it is necessary to any robust and theoretically defensible account of our human rights. Second, it is the more basic language that appeals to more people in the world. While talk about human rights is popular in some cultures, particularly in the West, it does not always enjoy good resonance in many others. In fact, many claim to see it as oppressive Western ideology deeply at odds with their own ways of thinking. Needs discourse, by contrast, is much more widely used in a greater range of cultures. An advantage of human needs discourse, then, is that it is much more usable to a wider range of people, and this may well appeal to even fans of human rights discourse. For those who despise talking about human rights, we can talk in terms of human needs (which anyhow undergird our concern for human rights), and many of the salient claims convert back easily enough into rights discourse.

5. Some objections to my view

Here I consider some key objections to my view as so far presented, focusing particularly on objections concerning how to distribute our responsibilities for meeting needs.

Objection 1: Since I use a contractarian framework, even though needs are a crucial part of what I recommend as the global justice standard, doesn't my contractarian framework mean that all the work is being done by contractarianism and there is no power to the concept of need after all?

This objection is misguided for at least two reasons. First, though I do use a global justice framework that is contractarian, its contractarian features are only necessary as a heuristic for allowing us to set aside certain interests we actually have which may skew our judgments about fairness. Also, though it is contractarian, what

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is chosen is strongly needs-based. As I go on to argue, there are very good reasons why this is so: first, it resonates extraordinarily well with what we commonly believe about the power of needs and second, this is because the concept of basic needs in fact has enormous force.

Objection 2: Someone might object that, sure needs matter in considering issues of justice, but even more important is the balance between needs, entitlements, and incentives. The right balance would have attention to needs dropping out of an appropriate picture of justice.

One of the reasons I introduced the empirical evidence is to be able to address concerns of this kind. What we find when we examine the dialogue participants actually had, is that a balance was sought *and found* between the three central ideas. We could arrive at a reasoned view of the weight to give a commitment to meeting basic needs which does not thwart entitlement or dampen incentives. It is not the case that considerations of entitlements and incentives drown out our appropriate concern with needs. As the empirical evidence shows, concern for needs is strong and robust even when we take these other factors into account. Another objection can be mounted along similar lines, as I discuss next.

Objection 3: Needs matter, but holding people responsible for their own decisions matters too. If people do nothing to help themselves, or if the governments of people do nothing for their own people, there is no reason why the burden should fall on others who have no connection with the needy.

What is the best way to distribute responsibility for meeting needs? Some will argue that persons should be responsible for meeting their own needs. If they are not able to do this, their compatriots and leaders in their country are responsible for designing and implementing policies and courses of action that will assist people to become self-sustaining with respect to their needs. If governments are not helping their people then if we have any responsibility here (and this is often doubted) it is to put pressure on those governments to help their people with the resources they need.[33]

[33] David Miller holds such a view in *On Nationality* (Oxford: Clarendon Press, 1995), see for instance 76–77.

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What is wrong with this picture by which we parcel out responsibilities so neatly is that it ignores the fact that there are a variety of ways in which certain matters are significantly outside governments' control, in particular, the institutional framework within which our actions take place is often not something individuals or governments can easily unilaterally control. And this is a further reason why the normative thought experiment is a useful touchstone. We can check whether various features of the institutional framework are ones we would choose when suitably situated in conditions of impartiality (as discussed in the normative thought experiment). As an illustration of what I have in mind here, I want to say something about the enormous problem of corruption—a problem we could do much more to combat with more collective action.

Foreign aid, though desirable, is by no means necessary to finance improvements for the worst off. In many cases, the revenue that would be derived simply from resource sales, if actually received and properly spent, would be more than enough to finance the necessary provisions for helping people to meet their needs.[34] This is especially clear if we look at the case of oil and the crippling corruption that sometimes surrounds its sale. Consider how, for instance, $1.4 billion in oil revenue disappeared in Angola in 2001, an amount equal to about a third of state revenue. A promising way to prevent such corruption is to ensure oil payments become more transparent. 'When oil companies bid for drilling rights in Europe's North Sea or the Gulf of Mexico, the size of their payments is public knowledge, as are the tax payments they later make once they have found oil and begun to report profits. But in developing countries such as Angola, Indonesia, Nigeria, and Azerbaijan, payments are often murky. This makes it hard to be sure that the money has been spent for the public good rather than for lining private pockets.'[35]

The oil companies could voluntarily fix this problem themselves. British Petroleum, for instance, has promised to make public details of payments in Angola. But not all oil companies are equally willing. The reluctant oil companies should of course be strongly encouraged to adopt a similar policy of transparency, but if they do not do this voluntarily, pressure can be brought to bear to ensure they are *required* to do this, for instance, it could be made a

[34] 'Oil and Corruption' *New Zealand Herald* editorial, 9th April, 2002, 10.
[35] Ibid.

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condition of oil companies' being able to list on major stock exchanges (such as in New York or London) that they adopt the transparency practice.

The lessons we learn about the case of oil seem quite generalisable. More transparency in payments, and the flow of money to less developed countries more generally, would eliminate some of the ease with which corruption can flourish and ensure payments that are intended to benefit the citizens of a country actually do so.

What seems clear is that as a delegate to the hypothetical global conference outlined in the normative thought experiment you would not choose a world in which such corruption, such thwarting of basic needs, could flourish. When forced to set one's self-interest aside, allowing so much corruption to flourish would not be tolerated. We are collectively responsible for allowing our institutional framework to remain unmodified, though this responsibility might be quite unevenly distributed.

The fairest way to distribute responsibilities is to go back to the drawing board and first ensure that the rules governing the basic framework are fair ones. Then we should modify or set up relevant organisations that can make these rules as specific as they need to be to realise the general principles we endorsed in the normative thought experiment, and also can monitor compliance and sanction violators. Again, global organisations can usually best deal with those who suffer when violations occur rather than haphazardly leaving matters to whoever is about, such as, compatriots who are often not in a very good position to help themselves, let alone anyone else. As David Miller states, 'our overriding interest is to identify an agent who can remedy the deprivation or suffering that concerns us'.[36] If we have an overriding interest in relieving suffering, this would suggest that we set up global institutions that can manage to relieve suffering, and that we should all be forced to support them, if we are unwilling to do so voluntarily.

6. Conclusions

In this paper I argued that needs are extremely salient in developing any plausible account of global justice. I began by sketching a normative thought experiment that models ideal

[36] David Miller, 'Distributing Responsibilities', *The Journal of Political Philosophy* **9** (2001), 453–471.

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deliberating conditions. I argued that under such conditions we would choose principles of justice that ensure we are well positioned to be able to meet our needs, and as the experiment aims to show, any plausible account of distributive justice must make space for the special significance of our needs. I offered some empirical support for this view by looking at the important work of Frohlich and Oppenheimer. I then discussed my preferred account of our basic needs and showed how it can meet a number of goals: for instance, it provides a robust theoretical account of basic needs which can enjoy widespread support, and it can also provide an adequate framework for designing policy about needs, and thus help us to discharge our global obligations. I discussed the relationship between basic needs and human rights, arguing why the basic needs standard is more fundamental than—and required by—the human rights approach. Finally, I responded to a few important sets of anticipated objections to my view, especially some objections concerning distributing our responsibilities for meeting needs.

Appendix 1

I claim that we can explain all the human rights that are set out in the Universal Declaration of Human Rights in terms of my account of basic needs, a commitment to equality between persons, or clarification of the purposes of the document. Here I list the articles and indicate how each can be relevantly explained.

For ease of reference, I number the needs as follows: (1) physical and mental health, (2) sufficient security to be able to act, (3) a sufficient level of understanding of what one is choosing between, (4) a certain amount of autonomy, and (5) decent social relations with at least some others.

Article 1: commitment to equality
Article 2: commitment to equality
Article 3: needs 1, 2, and 4
Article 4: need 4
Article 5: 1, 2, and 4
Article 6: equality
Article 7: equality
Article 8: equality

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Article 9: need 4 and 2
Article 10: equality
Article 11: (articles 1 and 2): (legal) equality
Article 12: 1, 4, and 2
Article 13: (articles 1 and 2): can involve 1, 2, 3, 4, and 5 if we think about the reasons why people want freedom of movement
Article 14: (article 1): 1, 2, and 5
Article 14: (article 2): purposes of the document
Article 15: (article 1): equality and 2
Article 15: (article 2): equality, 2, and 4
Article 16: (article 1): 2, 4, 5, and equality
Article 16: (article 2): equality and 4
Article 16: (article 3): 5
Article 17: (articles 1 and 2): 2 and 4
Article 18: 2 and 4
Article 19: 2 and 4
Article 20: (article 1): 2, 4, and 5
Article 20: (article 2): 4
Article 21: (article 1): 4, equality
Article 21: (article 2): equality
Article 21: (article 3): equality and 4
Article 22: 1, 2, 3, 4, 5, and equality
Article 23: (article 1): to be relevantly self-sustaining as a needs-meeter (and so 1, 2, 3, 4, and 5)
Article 23: (article 2): equality
Article 23: (article 3): to be relevantly self-sustaining as a needs-meeter (and so 1, 2, 3, 4, and 5)
Article 23: (article 4): 1, 4, 2
Article 24: 1, 2, and 4
Article 25: (article 1): to be relevantly self-sustaining (where possible) as a needs-meeter (especially in meeting needs 1 and 2)
Article 25: (article 2): recognition of childhood (and early motherhood) as a special time of vulnerability with respect to meeting needs (and so 1, 2, 3, 4, and 5)
Article 26: (article 1): 3
Article 26: (article 2): 3, equality, and purposes of the document
Article 26: (article 3): 4, 5, and 1
Article 27: (article 1): 3, 4, and 5
Article 27: (article 2): 4, (especially autonomy in controlling the fruits of one's labours)
Article 28: clarification of the purposes of the document
Article 29: (article 1): 1, 2, and 5
Article 29: (article 2): equality and 2

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Article 29: (article 3): clarification of the document's purpose
Article 30: clarification of the document's purpose

Note: in a sense, equality comes into the explanation of all these articles. I list it as part of the explanation only when its salience is specially relevant to explaining a particular article.

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