Needs and Human Rights

Des Gasper

The ideas of human rights and basic human needs are closely connected. Human rights – rights that apply for every person because they are a human – can be seen as rights to the fulfilment of, or ability to fulfil, basic human needs. These needs provide the grounding for human rights. 'Behind human rights are freedoms and needs so fundamental that their denial puts human dignity itself at risk' (Goldewijk & Fortman, 1999: 117). Basic human needs are whatever people require to be able to achieve a level of functioning that satisfies a given ethical conception of the acceptable minimum; such conceptions include, for example, human dignity, or the avoidance of serious harm. The needs implied by these conceptions typically include, in particular, basic levels of physical and mental health.

Galtung refines this picture in many ways. Not all needs correspond to rights, and not all rights correspond to needs. But a central set of human rights rest on basic needs. He warns that the traditional human rights approach connects better to survival needs and freedom needs, 'needs that are more clearly threatened by deliberate acts of "evil" actors', and for which we can more readily state norms in the form of rights that imply duties by specific actors. In contrast, various other needs 'are more often impeded by "wrong" structures' (Galtung 1994: 69). Here a post-traditional approach is required; 'needs rather than rights direct us to look for causal factors rather than evil actors' (ibid.: 55).

The concept of human rights forms in turn an essential partner to the discourse of basic needs. It provides an insistence on the value of each person, and a strong language of prioritization. These focus our attention and energies: 'in adverse environments, the primary meaning of human rights is to make people aware of what is basically wrong' (Goldewijk & Fortman 1999: 117). And when widely acknowledged as norms or legally recognized as instruments, rights form a major set of tools, legitimate claims, in the political struggles for fulfilment of needs.

Consider the example of the international debt of low-income countries. By the late 1990s many very poor countries paid more in debt service, largely to rich countries, than they spent on education or health. Typically their education and health budgets had been cut at the insistence of international financial organizations, after the countries had failed to service their debts following rises in oil prices and interest rates and other shocks. Sacrifice of the basic needs, the health and prospects, of millions of people in

order to service debts to, directly or indirectly, far richer groups became unsurprising and normal in the 1980s and 90s. 'Jubilee 2000' campaigners for debt relief achieved significant impact by showing how such cuts contravened the Universal Declaration of Human Rights (UDHR) endorsed by nearly all governments, including the debt collectors. The UDHR prioritizes access to education and health care. In welfare-states, when a family goes bankrupt no child is expected to lose access to basic education and health care in order for debts to first be repaid; this principle should apply for people everywhere.

A connection between conceptions of needs and human rights has long been proposed, but also for long not adopted as a standard formulation. One still encounters social science dictionaries in which adjacent entries on human needs and human rights contain no reference to each other's language. The two ideas have been primarily located in different disciplines and fora: rights more in the worlds of law and social movements, needs more within social and economic policy and planning. Added to this have been confusions around needs discourse, attacks on it by many libertarians and free-market advocates, and antagonism by some socialists and economists to rights formulations. In the past twenty years these obstacles have diminished and the fundamental connection of the two bodies of thought has become more evident, in work by for example Galtung, Gewirth and Waldron, without gainsaying the inevitable fuzziness in such concepts.

Rights are justified claims to the protection of persons' important interests, argues Gewirth. Such 'claim-rights' have this structure: Person/subject A has a right to object X against duty-bearer B by virtue of ground Y. For 'human rights' the proposed ground is that the objects X are requisites for being human in a morally acceptable sense. According to Gewirth they are 'the goods that are necessary for human action or for having general chances of success in achieving one's purposes by action'. Henry Shue refers similarly to 'basic rights', those which are necessary to enjoy all other rights. In normative needs discourse, they are basic needs.

The concept of need arises in three importantly different modes. First, 'needs' in explanatory theory are powerful underlying motives or drives. Second, needs in normative theory are justified priorities based on a 'relational formula': Person A needs object X (or an equivalent 'satisfier') in order (reason Y) to do or attain goal G which is a high priority ín the relevant political community. Third, instrumental needs are the requisites (X) for G. Whether, in particular cases, object X brings fulfilment of a drive or motive is a matter for positive investigation. Whether object X really is required for achieving G is an instrumental issue for examination. Whether G is or should be a high priority is a matter for normative debate and political process.

Normative needs discourse thus has the same structure as claim-rights discourse. This can be obscured by failure to distinguish the three modes and also different levels in chains of instrumental and normative relations (Gasper 2004). Amartya Sen's categories of capability and functioning help us to discuss levels more clearly. Martha Nussbaum's

Women and Human Development (2000, Cambridge Univ. Press), proposes that many human rights are best seen as rights to basic needs seen in turn as basic capabilities to function. She argues that capabilities language has an advantage in not being felt as Eurocentric, but that rights language provides force and conveys respect for persons; and that using these languages together highlights respect for persons as choosers.

Sen holds further, in *Development as Freedom* (1999, Oxford Univ. Press), that political rights are important for not only the promotion and defence of need fulfilment, but for the processes of specifying needs. It is not true that needs discourse inherently presumes that persons are passive and materialistic and ignores them as active rights-claiming choice-making agents. Autonomy of agency stands as central principle in the prominent normative needs theory of Len Doyal and Ian Gough (*A Theory of Human Need*, 1991, Macmillan). The table uses the structure of their theory to compare ethics of capabilities, basic needs, and human rights. As argued by Penz, the three are closely connected and complementary not competitive.

	Basic Criterion	*Requirements in order to fulfil the basic criterion (Needs level 1)*	*Required satisfier characteristics (Needs level 2)*	*Specific required satisfiers (Needs level 3)*	*Required preconditions (Needs level 4)*
In the categories of the capability approach and UNDP's 'Human Development'	Priority functionings	Capabilities that are required to achieve the priority functionings	'Characteristics' of goods that are required to achieve those capabilities	The goods / 'commodities' that are required to provide those characteristics	The societal conditions that are required to sustain the supply of those goods
Doyal & Gough's main formulation of human need	Avoidance of serious harm	Health; autonomy of agency	Nourishment; housing; security in environment, work and childhood; health care, education, etc.	Vary according to geographical, socio-economic and cultural setting	Conditions concerning production, reproduction, cultural transmission, and political authority
From Goldewijk & Fortman's formulation of human rights	Dignity / non-humiliation, self-respect	Equality and freedom; or, equality and agency	Implications of Needs level 1 in this row	Implications of Needs level 2 in this row; vary according to…	

Galtung warns that institutionalization of human rights as a means towards fulfilling needs can become ineffective or counterproductive, due to the internal logics of the institutions involved. From recent South African experience, Hamilton holds that rights language bears too much the imprint of property rights, and ties fulfilment of priority human needs to the ability to expensively access a remote judicial system. That system takes existing property rights as the default case; claims against them must be demonstrated beyond reasonable doubt. Basic needs of the majority can in practice become downgraded by being stated in the same rights language as that of established propertyholding, he argues. But they can be downgraded by not using rights language

too. And a needs-rights conception can also influence and structure patterns of public provision, access and claiming in ways other than via the judicial system.

Further reading:

Galtung, J., 1994. *Human Rights in Another Key*. Cambridge: Polity.

Gasper, D., 2004, *The Ethics of Development*, Edinburgh Univ. Press.

Goldewijk, B.K. & B. de Gaay Fortman, 1999, *Where Needs Meet Rights*. Geneva: WCC Publications.

Hamilton, L., 2003. *The Political Philosophy of Needs*. Cambridge Univ. Press.

Penz, P., 1991, 'The Priority of Basic Needs', pp. 35-73 in K. Aman ed., *Ethical Principles for Development: Needs, Capacities or Rights*, Upper Montclair, NJ: Montclair State University.

Des Gasper
Institute of Social Studies, The Hague
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