

London School of Economics & Political Science

**A THEORY OF NEED IN INTERNATIONAL POLITICAL THEORY:
AUTONOMY, FREEDOM, AND A GLOBAL OBLIGATION**

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Declaration

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ABSTRACT

The thesis is concerned with the nature of human action presupposed by normative theory; it is about recognising and articulating the fragility of the human within the context of human needs and assumptions made by international ethical theory. The primary aim of the thesis is to establish the existence of *two basic needs necessary for moral action*, to determine a global obligation to enable the meeting of those needs, and to articulate a necessary reconceptualisation of the state system in line with the demands of that obligation. The thesis makes this argument in three parts.

By exploring and revealing the vulnerability and finitude of the individual actor, looking at the notion and language of 'need', and demonstrating what is involved in being held morally responsible, Part One seeks to provide an objective and universalist account of the prerequisites of moral action, establishing two basic needs: autonomy and freedom. The second Part of the thesis is dedicated to showing why there is a corresponding obligation – a 'Global Principle' – to meet these needs, an obligation which is cosmopolitan in scope and source. In its attempt to articulate a rationally-derived core and primary principle of justice, the thesis hopes to contribute to the cosmopolitan discourse of IPT. Part Three shows in what way the international system, with an emphasis on the state, needs to be reconceived; it argues that the state needs to be reconceptualised as a transparent enactor of the derivative duties of the Global Principle (through political and socio-economic reform) ensuring identification of the individual as the primary actor of responsibility within the international.

Overall, the thesis aims to identify and acknowledge the limitations of the human and the necessity of some external provisions in order to enable her to become a normatively accountable actor. It aims to highlight what normative theory both assumes and reinforces about human action, arguing that only once the discourse of IPT has recognised the uniquely needing nature of the individual can she become a meaningful and free actor within the international arena.

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INTRODUCTION

"The absurd is born of this confrontation between human need and the unreasonable silence of the world" (Camus 1991, p28)

This thesis is about basic needs. It is about the basic needs required for normative action and the basic goods necessary to be a meaningful subject of any normative framework. It is about the capacity to act freely and autonomously, to have the capacity to author and own one's action, to be in control both internally and externally of one's body, one's self. It is about ensuring that this control is possessed globally and about having a suitable international institutional realm to enable this. It is about trying to make consistent the expectations of moral theory with the finitude of human beings, with their vulnerability to succumb to the dictates of nature. It is about the dignity of action. This thesis is about achieving a more nuanced and complete understanding of the basic human need for action and providing a framework of justice in response to this. It is about recognising and articulating the fragility of the human in the context of human needs and in view of the assumptions of ethical theory; ultimately, it is about providing a framework of justice to respond to the unreasonable silence of the world.

Need: The Prerequisite

We start this thesis from what, it is hoped, is an uncontroversial claim: that human beings are determined by nature as creatures with inherent needs. In its lack of contentiousness however, this claim has the disadvantage of introducing the argument in an unappealingly banal way, where it would seem that making the claim that the human – whatever else she may be – is inherently 'needy' will not get us very far in any attempt to say something meaningful about the character of the individual and her place within the international. However, where this claim does have significant repercussions is in terms of the individual conceived as a moral *actor* (capable of being understood as responsible for her actions) and in terms of what is presupposed about human action by normative theories of International Political Theory (IPT). For, what we hope to show in this thesis is that in order to become a moral actor, there are certain basic needs (autonomy and freedom from external control) that have to be met; and thus significantly, without such needs being met individuals cannot be understood as suitable subjects for normative theory.

The idea that there are certain basic needs that must be met in order for an individual to be capable of acting in a way that renders them subject to moral responsibility, should appeal to many people's intuitive impressions about needs and action. For example, it seems reasonable to suggest that many would be sympathetic to the idea that those who are suffering from severe injury, mental illness, or starvation are not as responsible for their actions as those who are physically and mentally healthy. Whilst most of us would blame or punish someone who went around punching people randomly or someone who stole food, we would not see blame and punishment as so easily attributable if we learnt that the person doing the punching was suffering from a delusional mania or that the thief in question was suffering from starvation. These hypothetical situations communicate something about the role of control and volition in the context of moral responsibility and the type of psychological and physiological demands that can frustrate the capacity to act freely. Likewise, how we use of the concept of 'need' in our everyday language indicates that many of us share an intuitive understanding of a type of urgency that need theory engages with; for example, we all understand the urgency of someone's claim when they say that they '*need* a doctor' or the distinction being made when someone says 'you don't really *need* that bracelet'. 'Need' here seems to reference an inalterable fact about the human, a requirement *beyond her control*.

What we want to do in this thesis is to better understand what it is about needs being used in this way that makes them both morally interesting and, ultimately, primary. We want to engage with issues of volition and control and explore the gulf that exists currently between the demands of moral responsibility and the inalterable neuro-physiological constitution of the human. Now, whilst the intuitive and emotive pull of basic needs should help make a theory grounded in such needs rhetorically strong and inherently appealing, intuitive understanding is far from a sufficient notion upon which to ground a theory of moral action. What is necessary therefore is to provide a *logical theory based on practical reason and necessity*, a theory that shows that basic needs are inherently prior and universal. We will thus seek to give these intuitions about needs philosophical and biological grounding, using philosophy of action and the literature of biomedicine and psychology to work out what a human *needs* in order to become an eligible candidate for being subject to any normative framework of action.

Implications for International Political Theory

The question that may be asked is: why do we want to do this, what are the implications for normative theorising about the international? Well, we will be looking to show that there are broadly three notable implications that originate in the demonstration that basic needs are the prerequisites of moral action. The first implication will address what has been said to be the most *difficult but important problem of philosophical ethics*; that is, whether it is possible to articulate a substantial principle of morality by rational justification (Gewirth 1978, pix). We will seek to show that this is possible – by providing logical justification for a primary principle of justice dictating a global obligation to enable the meeting of basic needs. So, in showing that moral action requires the prior meeting of basic needs, the hope is to provide a universalist and rational account of the premise and prerequisites of morality as well as offer a principle of obligation that is objective and universal in source and scope.

The framework's universalism will help bring about the second implication of establishing basic needs as prerequisites of moral action: to provide some innovative strength to the cosmopolitan perspective by accentuating the individual as the primary subject of the international and reconceptualising the nation-state with reference to the individual. In looking at the implications of recognising need as a universal legitimate moral claim and the consequential role for individual representation, the aim is to show that we can determine the existence of certain inherent and a-culturally defined normative values and develop a principle of obligation that supports types of global institutions and political systems which are often dismissed as Western-centric in both derivation and value. We will also show that the use of need as a central tool with which to pursue a theory of moral action is useful not just in its potential for objectivity and as a pertinent mechanism with which to contest arguments for community-specific normative theorising, but also in its ability to provide a theory that is sensitive to individual and local context.

The third implication of arguing for the existence of basic needs and their primary normative status will be to help reveal a deep inconsistency in much normative theorising of IPT. That is,

inconsistency in those theories that posit moral frameworks of individual action whilst concurrently ignoring the fact that there are certain inherent features of being a human that potentially limit humans from genuinely being capable of moral action. In other words, theories that presuppose responsible agency of the individual whilst failing to ensure those agents have been both freed of the coercive forces of severe ill-health as well as adequately equipped with the necessary psychological tools to make decisions of their own.

Need Theory and Methodology within the Context of IPT Discourse

Along with these three substantial implications for IPT, elucidating upon the basic needs that arise as a consequence of the demands of moral action should help us gain a better insight into some of the tensions that undercut ethical theory. For example: the vulnerability and finitude of the human versus the requirements of normative theory in terms of autonomy and responsibility; the necessity of freedom – in order for moral responsibility to work – versus the controlling forces of a severely ill-nourished body and mind; and the interventionist methods the inalterable nature of the human constitution requires (e.g. medically, socially, educationally or psychologically) versus the freedom from coercion that moral responsibility entails in order for it to work.

Whilst there has been notable work done on the issue of need such as that of Abraham Maslow (1943, 1970) and Christian Bay (1958, 1968, 1982, 1990) – in relation to the human condition – or John Burton (1990, 1997), Paul Sites (1973, 1990), Johan Galtung (1980, 1990) and R. E. Rubenstein (1990, 2001) – in relation to conflict resolution – or by those coming from the development/political economy side of International Relations, who see needs in terms of social indicators in development/quality of life issues (Pigou 1952; Sen 1973; Streeton & Burki 1978; Grant 1978; Morris 1979; Chichilnisky 1980; Streeton *et al.* 1981), literature on the topic of need within IPT has not been plentiful. Of course an obvious exception is the important work of Onora O'Neill (1986a, 1988, 1991, 1996, 1998), whose development of a constructivist Kantian account has made a significant contribution to the discourse of need and obligation within the international realm. David Copp is another noteworthy exception, and has linked need to rights and institutional obligations (1998, 2005). However, where need has been

looked at in terms of motivating normative principles or frameworks of rights, the character of the needs themselves have tended to have been assumed rather than closely examined or explicitly grounded in any relevant empirical literature (e.g. O'Neill and Copp – and similarly in terms of interests: Barry 1998; Jones 1999; Griffin 2008). By contrast, the hope here is to ground our needs more concretely by using literature from philosophy of action, psychology and biomedicine, thereby providing a methodologically more robust and innovative theory of basic needs. Indeed, it is unusual to combine a concern for global justice, philosophy of action and psychology in the way that will be done in the thesis, particularly using the notion of need as the prism through which to do so. As Ian Gough and Theo Thomas point out, “the concept of need is found in two distinct sets of literature – philosophy and social science. However, these two discourses rarely come into contact” (Gough & Thomas 1994, p33). Here, we want to remedy this, bringing both discourses together to create a more compelling theory of human need in relation to ethical expectation. Thus, through its revelations about the relationship between the factual ('is') and the normative ('ought') – seen within the context of a more methodologically rigorous account of human needs – and through its grounding in two distinct but coextensive sets of literature, the argument made by the thesis should help contribute a new dimension to ethical thought and normative IPT.

In addition to providing a more robust methodology to our theory of needs by drawing on two usually distinct sets of literature, a further aim is to disassociate need-theory from its common positioning within theories concerned with outcome-egalitarianism. The basic argument of the thesis will be concerned with looking at the equal need for moral autonomy and freedom, but claiming no more than that; it will not make claims about how to redistribute resources once basic needs have been met. Uniquely then, the normative claims made by recognising needs will not be logically connected with creating full equality in resource distribution.

Overall, a comprehensive and detailed examination of 'need' within IPT has been largely neglected; and where it has been used, it has either been unquestioningly tied to egalitarianism or theorists have been vague about the bio-psychological grounding of needs. The hope here is to remedy this by providing a detailed account of basic needs and a logical argument as to why they are morally primary. Not only is the hope to contribute to the

relatively small discussion of the moral status of need both as a philosophical concept and as one potentially useful within ethical discourse, but it is hoped that a coherent needs-based framework will prove a useful instrument with which to view and critique the currently dominant discourse of rights in IPT.

It might be worth noting at the outset that whilst it is common for most theorists of cosmopolitan global justice to provide statistics or data on poverty, here we shall be concentrating on showing logically why poverty (in its meaning that basic needs go unmet) is so problematic. There are two reasons for doing so. Firstly, data for a project such as this one would entail sophisticated and extensive research tailored to the theoretical framework developed, for which there is neither time nor space. Secondly, whilst we will look very briefly at some data in our final chapter in order to get a very rough idea of how the world is currently performing in the context of our needs-based framework of justice, the aim overall in this thesis is not to appeal to any reactive feelings that might arise in response to statistics revealing the vast numbers who are in need globally, but instead to concentrate on providing a logical reason as to why we should think the situation unjust. Indeed, once having set out the argument, as part of our conclusion we will reflect on how an instinctive objection to poverty might actually be linked to its role in causing an incapacity to act, in removing the dignity of controlling one's own destiny, but until then, we shall concentrate on developing a *logical argument* for seeing poverty as unjust rather than an emotional one.

The Logic of the Thesis's Argument Outlined

This logical argument, which will be developed in full throughout the thesis, can be stated as follows:

- i. *If we are to formulate or carry out moral action at all (in other words, if we want to make or act upon normative principles) we need to be moral actors.*
 - ii. *In order to become moral actors in the first place there are certain basic needs – autonomy and freedom – that must be met.*
- } Part 1

- iii. *Any normative framework that relies upon or addresses the person as a moral actor has to acknowledge and ensure that the needs of individuals are met, and as a matter of lexical priority. Therefore, if there are any moral principles at all, the first moral principle is to have – where actually possible – every individual’s basic needs enabled to be met, and as a matter of lexical priority.*
 - iv. *This is a universal principle (in source and scope) because any exclusion of certain individuals would entail further development of the moral principle of favouritism, which involves a process of moral deliberation and can only arise after the basic needs have been met.*
- } Part 2
- v. *This universal principle will require certain political and economic structures in order to be best realised.*
- } Part 3

The logic of the thesis’s argument is reflected by the structure of the thesis; as this outline shows, the argument of the thesis will be developed in *three Parts*. *Part One* will be concerned with developing and defending the assertion that autonomy and freedom from external control are the two basic prerequisite needs of moral action. It will be comprised of two chapters. In **Chapter 1** we will look to show *why* our two fundamental needs (which come prior to any normative action) are moral autonomy and freedom from external control. We will develop the specific character of autonomy and freedom as well as considering some problematic implications of positing action (and the basic needs of autonomy and freedom) as a moral premise. Having established autonomy and freedom from external control as the two basic needs, the following chapter, **Chapter 2**, will develop the concept of a ‘basic need’ itself, setting out its parameters and articulating the strengths and complexities involved in the use of need as a core concept and the basing of a framework of action upon it.

Part Two of the thesis is dedicated to showing why, as a consequence of what has been established in *Part One*, there is a universal principle requiring the enablement of individuals to

meet their basic needs where possible. This shall be done through two chapters: 3 and 4.

Chapter 3 starts with an explanation of how this principle comes about and works to show why it is universal in application, the chapter then goes on to discuss the most meaningful and productive way to articulate this principle by examining both right- and obligation-based frameworks. The task for **Chapter 4** then, will be to characterise the exact nature and wording of the principle itself, and concludes with a formulation of a needs-based global principle of obligation (the 'Global Principle').

The final part of the thesis, *Part Three*, constituted by Chapters 5 and 6, examines the consequences of the Global Principle of Justice – as established in Part Two – for the international political system and the nation-state. **Chapter 5** looks at how accepting what Part One and Two have shown forces a reconceptualisation of the state, bringing the individual to the fore of the international realm where she can be the main actor of responsibility. **Chapter 6** reflects upon some practical institutional reforms that will be required as a consequence of the reconceptualisation of the state and system as articulated in Chapter 5 and as a consequence of the Global Principle in general. Chapter 6 closes with a brief consideration of these reforms in the context of the current world situation. The thesis will conclude with a summary of what has been established throughout and a discussion of its ramifications for the discourse of IPT in general.

Having thus introduced the subject of the thesis and having outlined its logic and plan, we should turn now to Chapter 1 of Part One in order to develop and discuss the two basic needs required by moral action.

PART ONE

The Prerequisites of Moral Action: Basic Needs

Action, Responsibility and the Nature of Need

CHAPTER 1

The Nature of Human Action in Normative Theory and the Two Basic Needs

INTRODUCTION

We might begin the task of outlining the preliminaries of our argument with the reflection that although there exists a large number of different moral doctrines, often culturally specific, what all moral doctrines have in common is that they require that humans *act* in some way. That is, whilst these doctrines may differ in content they are all united in providing the normative structure for action. In other words, by their very nature all normative theories set a framework for action: they provide the *general context* of all morality (Gewirth 1982, p73). Now, the notion of ‘action’ has many senses, but we use it here in one particular sense: the action we are concerned with relates specifically to individuals and is understood as the general object of all moral precepts (Gewirth 1978, p26). As such, we are interested in individual action that comes within the purview of any normative framework. We might refer to this type of action as *moral action*, but concurrently be careful to distinguish this moral action so described from what moral action might be colloquially used to describe, that is, necessarily morally *good* action. Thus, whilst there may be deep disagreement on the ends that should be pursued, this is not the case with a recognition that those ends all assume individual action.

Not only does the application of a normative framework assume individual action, it *assumes the eligibility of the individual actor for moral appraisal*, where such an application requires that those subject to moral precepts are liable for moral judgement – for blame or praise. In other words, in their requirement and assumption of action, moral frameworks predicate that

actors are in a position to be held accountable. Overall, all moral frameworks require that individuals have a capacity to act in the first place and that their action is authored in a way that means it can be morally appraised where responsibility is attributable to it. In essence, the meaningful applicability of any normative framework of action inherently relies upon the assumption that individuals possess the capacity to “control their behaviour through their unforced choice so as to try to achieve the prescribed ends or contents, although they may also intentionally refrain from complying with the precepts” (ibid., p26-7).

Correlatively, it might reasonably be argued that the individual capacity to act requires certain conditions to be realised and that without those conditions action is impossible. That is, “there are some conditions necessary for doing anything at all, for performing any action or pursuing any goal whatsoever” (Plant et al. 1980, p37-8). Regardless of the values and particular moral code adopted then, certain conditions will always be necessary to undertake action that can be subject to moral scrutiny. Indeed, it is this argument that this first Part of the thesis hopes to develop, crucially showing that those conditions necessary for having the capacity for moral action may reasonably be understood to represent *basic human needs*.¹

Significantly then, it will be argued that even if the question of what *ends* people ought to pursue is disputable, it does not follow that the same is true of their *basic needs* (understood as prerequisites of morality). To be clear, we are not looking for the conditions necessary to be conceived of as a person independent of the demands of morality. Instead, we are looking for the human requirements, needs, which make persons eligible for judgements of any ethical framework. Or, to put it another way, conditions that when absent mean that individuals might be conceived as *justified* to act in a way that would otherwise be morally condemned, or *excused* for not acting in a way usually thought of as the right thing to do (Holton 2007, p106; Anderson, 2011). This notion should become clearer however as we progress through the chapter, pursuing an identification of the necessary conditions for moral action.

¹ This chapter will aim to show why these ‘basic needs’ of action are necessary and imperative; the question of whether the label ‘need’ is an accurate one to use for conditions of action will be looked at in Chapter 2.

Together, these introductory assertions can be understood to denote the logic of the first part of the basic argument of the thesis: i.e. *if we are to formulate or carry out moral action at all we need to be moral actors, and in order to become moral actors in the first place there are certain basic needs that must be met*². The task of this chapter then, will be to develop this assertion and elucidate the argument through a determination of the prerequisite basic needs of action. We shall carry out this task by starting with a look at the notion of human action, how it is tied to moral personhood and autonomy, and how it can be understood in contrast to mere behaviour. This should open up a discussion about what constitutes autonomy itself and how this might be seen as integral to being a moral actor. We will also look at what else is involved in human action beyond autonomy in terms of the role of external influences. We will spend the second part of the chapter examining the critiques a reliance upon our formulation of action will entail, and in so doing hope to further develop and clarify the concept of action itself and its basic needs.

1. ACTION AND THE BASIC NEED FOR AUTONOMY

1.1 From Behaving to Acting: The Identification of Autonomy

So, to start our investigation into what conditions are involved in acting, we might begin by briefly making a distinction between *action* and *physical behaviour*. When assessing human action, we demand more than a mere description of the physiological process that occurs. Instead we tend to distinguish between two concepts: physical movement – which we might call behaviour – and action. The identification of action, in contrast to that of behaviour, can be understood to originate within the intentions and goals presupposed by the manner in which the movement is described. To develop this, we might use an example. For instance, if we were to see a man who had an uncontrollable tick in his eye that caused it to replicate the exact physical movement of a wink, we might suppose that he had some intention with regard to the person he was directing it at. Nevertheless, if we then find that in fact it is a physiologically

² It will be noted that, along with the capacity to enact moral action, we include here the capacity to *formulate* normative principles. To clarify, such formulation might include the individual considering the veracity or appositeness of competing normative doctrines or the individual attempting to compose contractual principles of justice (whether in a hypothetical position or not).

determined complaint and therefore unintentional, we soon adjust our understanding of his action – but not his behaviour – in fact, we would not assert that he had actually *acted* in any way at all (Doyal & Harris 1986, p53). Thus, what is of interest here then is: *what the process is that has occurred to make the individual go from merely behaving to becoming an actor.* Where action might originally be associated with a physical movement, it is only properly understood as such *when an intention can be identified* and when that intention is attributable to the actor who carries it out. It is this process that we are interested in identifying, describing and attributing as necessary for human moral action.

The example given just now highlights the fact that any account of what constitutes action must (I) articulate the sort of *mental or psychological processes* involved in distinguishing someone winking from someone moving his eye ‘involuntarily’. For, part of the involuntariness of behaviour surely comes from a lack of identification with the behaviour by the so-called author or that so-called author lacking the relevant cognitive capacities to intend and act accordingly. In the case of the man with the tick, his cognitive capacities have no control over the bodily movement of his eye, so that the movement cannot be understood as a voluntary and intended action belonging to him. Thus, there needs to be something *purposeful* in behaviour for it to be understood as something more and such purpose requires some form of mental process. What also seems to be the case however is that this account must also (II) articulate the role of *physiological constraints* as highlighted by the example of the tick just now. That is, any credible understanding of what distinguishes acting from merely behaving must account for the role of purpose seen within the context of physiologically determined processes. Accordingly, as a preliminary assertion, it seems that the course from ‘being’ to ‘acting’ must include both mental processes and physical processes, reflecting a *dualistic understanding* of the person.

This type of dualism is nicely articulated in the account of moral action provided by Immanuel Kant (2002). Kant takes the body and its actions as a deterministic process and seeks to establish the necessary conditions for the individual to be capable of originating action and the assumption of responsibility for that action. According to the Kantian dualistic perspective, in order for individuals to act they must have the necessary mental and physical conditions; “a

body which is alive and which is governed by all of the relevant causal processes and the *mental competence to deliberate and choose*" (Doyal & Gough 1991, p52). Having separated the physical and mental roles in causation, Kant identifies a core characteristic that emerges as enabling accountable action and determining moral personhood – i.e. the core feature needed in order to go from being to acting, from a being to a moral *person*. He calls this characteristic *autonomy*. Kant sees autonomy as the source of all morality and the foundation of human dignity (Hill 1987, p129). Indeed, identifying and using this notion of autonomy to describe the broad set of goods and conditions the human being needs in order to achieve meaningful accountable action has been a feature common to a diverse and extensive set of political and ethical theorists such as Hare, Kierkegaard, Nietzsche, Popper, Sartre, and Wolff (Dworkin 1988, p34).

Autonomy will inevitably involve a number of features, many of which will be disputed and controversial. Nevertheless, it would be useful in this chapter to give an overview of what we see this autonomy to involve broadly, both in its cognitive / psychological sense and in terms of its physiological sense. What we should be clear on when aiming to determine what it is we see autonomy to encapsulate is that we are interested in how to achieve *moral* autonomy, rather than 'personal' autonomy. For, whilst personal autonomy can be understood as an attribute that persons can demonstrate within all facets of their lives and not just those relating to questions of moral obligation, moral autonomy is to be understood in terms of the autonomy needed in order to be held *responsible* for one's actions – or in Kantian terms, an ability to impose the objective moral law onto oneself (Hill 1989). Just to be clear, it is a *narrow sense* of responsibility we are associating with autonomy here, i.e. being taken as accountable or subject for retributive judgement for a given action. In other words how an actor can be "properly subject to the judgement that he did the act, that its consequences are to be charged to him, perhaps that he gets credit or blame for the result" (Feinberg 1989, p42). This understanding of responsibility can be contrasted with a wider understanding where, as Joel Feinberg points out, a 'responsible' person is taken to have virtues such as trustworthiness, steadiness or reliability, and is understood in opposition to an 'irresponsible' person (ibid., p43).

Thus, what we are interested in determining here are the psychological and physiological conditions of autonomy that give rise to the idea that an individual is morally praiseworthy or blameworthy. Likewise, where such conditions of autonomy are seen to be absent the physically determined behaviour seen to ensue cannot be subject to normative appraisal. So for example, where a man is physically compelled to wink, his behaviour *in that respect* at least, cannot be attributable to his intentions and subjected to notions of blame or responsibility. Indeed, this notion that there are certain conditions that must be met in order for an individual to be held morally responsible is corroborated by many legal frameworks. In the UK for example, the state defines the notion of an individual lack in capacity in a manner that supports the *dualist* notion of autonomy provided here, where capacity is understood in a psychological sense as well as including a physiological freedom to communicate one's decision (Mental Capacity Act 2005, c9, pts 1-3). More generally, the notion of *compos mentis* – to be of sound mind – is widely understood as a fundamental element of legally defined responsibility and is used by the law to connote the legitimacy of agent status under the law; where our “culture demands evidence of the requisite knowledge and ability, and of freedom from compulsion, before it ascribes responsibility and freedom of will to the person who produces any action” (Easterbrook 1978, p25). So, having identified autonomy as describing a collection of capacities evident in action and absent in behaviour, we now look to reveal what is involved *psychologically* and *physically* in achieving this autonomy – i.e. what the constituent needs of autonomy are – and what it is about autonomy that confers moral responsibility. We might start with the psychological dimension of autonomy now and go onto the physical dimension after that³.

1.2 The Conditions for Autonomy (I): The Psychological Capacities

So, to get at the psychological dimension first of all: we might return to the notion of intention used to distinguish action from behaviour since this notion introduces and somewhat broadly

³ It might be worth noting at this stage that, as the mention of the *compos mentis* phenomena suggests, we are searching here for a *threshold* concept of autonomy. This is not to say however, that we present autonomy in a binary way which admits no notion of degree; for whilst there is a minimum level, below which an individual is said to be unable to be held as a moral actor, there are also degrees of autonomy above this threshold. This issue will be further discussed in §4.1 below when looking at some critiques of the presentation of autonomy here.

characterises the psychological dimension of autonomy, given that it necessitates an actor being aware of what she is doing, and would also seem to involve some consciously rationalised process of thought. That is, intended action is seen to be authored by those both wanting to and having the capacity and knowledge to produce an act on purpose; it seems to presuppose the processing or expecting of certain intended consequences. This notion of intent is also useful since it nicely articulates the dualistic model we are concerned with, where according to P. F. Strawson, intentionality is “a type of entity such that *both* predicates ascribing states of consciousness *and* predicates ascribing corporeal characteristics” (Strawson 1959, pp101-2).

Indeed, this notion of intention is identified by Daniel Dennett (1976) as one of six common features that articulate the necessary cognitive conditions of the type of autonomy we are positing to exist – that is, conditions that differentiate those who merely behave from those who act⁴. Dennett takes these features from a collection of compatible and prominent works in philosophy of action, and outlines them (along with *intentionality*) as: *rationality, verbal communication, self-reflective consciousness, stance and reciprocity*. Accordingly, in order to determine our constituent psychological conditions of autonomy it would be useful to use Dennett’s review of the features present in autonomous action according to the philosophy of action perspective. For the purposes of depth and sensitivity to the ‘need’ character of autonomy, we might combine Dennett’s conditions with insights from two related and pertinent psychological theories. The first, *Self-Determination Theory* (SDT), sees needs as central to explaining action. The second, *Implicit Theory of Responsibility* (ITR) – as articulated by James A. Easterbrook who bases his work on the seminal studies produced by Julian B. Rotter’s research (1966) – looks at the psychological processes involved in the attribution of responsibility. By looking at the cognitive features of autonomy (provided by philosophy of action) in light of the psychological process involved (provided by SDT and ITR), we can then get an idea of the types of constitutive requirements (or needs) the process of autonomy involves.

⁴ It should be noted that Dennett is discussing ‘personhood’ rather than autonomy; however as discussed above, we have derived the notion of autonomy from the Kantian concept of personhood. Dennett’s conditions represent an attempt to identify the necessary conditions for moral personhood, however for him these are necessary but not sufficient; for, “human beings or other entities can only aspire to being approximations of the ideal” (Dennett 1976, p193).

1.2.1 The need for rationality

We might begin determining the constituent psychological conditions of autonomy by returning again to the broad feature of intentionality; along with it involving consciousness (as noted by Strawson above) Dennett suggests that the feature of *rationality* is key, where “nothing to which we could not successfully adopt the Intentional stance, with its presupposition of rationality, could count as a person” (Dennett 1976, p180). Rationality then, is one of the dimensions of intention – and therefore of autonomy in general – and, according to Dennett, is the most obvious of its features (ibid., p177). It seems fair to offer that if a person is to be in a position where they can cognise and make judgements or predictions inherent to intention, they need the basic cognitive capacities of rationality to do so. As noted in Routledge’s *Encyclopedia of Philosophy* and in MIT’s *Encyclopedia of the Cognitive Sciences*, in the area of philosophy of mind, rationality is understood to constitute a coherence requirement of personal identity, in other words: “No rationality, no agent” (Routledge 2000, p739; MIT 1999, p698). Likewise, as Joseph Raz says, “if a person is to be maker or author of his own life then he must have the mental abilities to form intentions of a sufficiently complex kind” and that these will include a minimum level of rationality (Raz 1986, p372-3). Rationality then, will be a preliminarily necessary, but not sufficient, condition of psychological autonomy.

Rationality is a concept that is used in a number of different ways, often incorporating a broader notion of personhood itself rather than acting as a constituent feature of it, or as the intellectual capacity that distinguishes humans from other species (Bennett 1967, p5). Sometimes it is used synonymously with intelligence, but this conflation is disputed by many; for example, Jonathan Francis Bennett argues that whilst many creatures, such as bees for example, can be observed to exhibit intelligent behaviour this does not mean that they are rational (ibid., §5). In philosophy, ‘reason’ and ‘rationality’ have often been used analogously (e.g. Hobbes 1839). Indeed, the two terms share a linguistic root. Reason has two historical roots: the Greek term *logos* (λόγος) and the Latin term *ratio*; the latter also provides the word rationality with its linguistic origin (Beer 1994, p190).

We should clarify then what feature we are describing here when talking about rationality. Since some of the cognitive competences the broader definitions of rationality encompass can be separated out and described more accurately as differing psychological processes (which we will aim to do below), the concept of rationality here is a more minimalist one, based in the philosophy of mind literature (Routledge 2000, p739). The feature of rationality understood here can be closely tied to logical reasoning: the ability to use and accept the reasons provided by logic (both deductive and inductive) and evidence of empirical facts. As Alan Gewirth describes it, the criterion of rationality is a minimal deductive and inductive one, “involving consistency or the avoidance of self-contradiction in ascertaining or accepting what is logically involved in one’s acting for purposes and in the associated concepts” (Gewirth 1978, p46). Bennett also looks at this form of rationality, describing it as the ability, “given certain present and particular data, to unite or relate them with other data in certain appropriate ways” (Bennett 1964, p85). He notes the Kantian character of this understanding; that is, the “idea of concepts of unifiers, binders-together, creator of a *multum in parvo*” (ibid.). Without this form of rationality any given set of beliefs and decisions would inevitably accumulate inconsistencies that would render such a set meaningless, disintegrating into a “mere set of sentences” (MIT 1999, p698). Unlike some literature on human rationality, we are not talking about rational choice theory or the idea that a person is only rational if they always choose the best outcomes that maximise their utility. As noted in Routledge (2000), the type of rationality we are talking about here is a weaker conception of rationality; its standards are less strict than normative epistemic ones since it allows for an agent’s belief sets to “fall short of epistemically uncriticizable rationality” without the agent then ceasing to be understood as an agent (Routledge 2000, p739).

1.2.2 The need for competence

Along with rationality, the ITR sees the notion of *effectance* as central for the realisation of intentionality, and more generally responsibility through mental freedom (Easterbrook 1978). The concept of effectance is something that describes the motivating capacity to effect and influence the external world and has been understood in the main to be encompassed by the wider notion of *competence* (White 1959; Deci & Ryan 1985, 2002), a notion central to much

cognitive and motivational psychological theory since the publication of a seminal paper produced by Robert White (1959) on motivation and competence. In it, White drew conclusions from a variety of evidence that there is a fundamental need that people have to *affect* their world, as a primary source of action. He then called the structures through which people do this 'competence'; "in the broad biological sense, competence refers to the capacity for effective interactions with the environment that ensure the organism's maintenance" through learning exploration and adaptation (Deci & Ryan 1985, p27). The centrality of competence as a required condition for self-determination is supported by Edward L. Deci and Richard M. Ryan's SDT, who assert the existence of an intrinsic need for competence. They assert that this need, along with self-determination, represents an innate requirement rather than something learnt, and as such should be evident through all developmental periods, cross-culturally and applying across all ages and genders (Deci & Ryan 2002, p7 & p22).

Thus, along with rational capacities, it seems that in order to achieve psychological autonomy, part of the process will depend on the attainment of basic competence. White describes competence as having the adaptive mechanisms or processes necessary for an effective interaction with one's environment (whilst noting that notions of capacity, capability, skill, efficiency and proficiency all express analogous descriptions to competence) and lists a collection of competencies that broadly describe the sort of learned skills necessary to have competence (White 1959, p317). White notes that the very early competencies such as grasping and visual exploration will eventually give rise to more sophisticated competencies displayed: "perception, memory, language and thinking, anticipation, the exploring of novel places and objects, effecting stimulus changes in the environment, manipulating and exploiting the surroundings, and achieving higher levels of motor and mental coordination" (ibid.). These skills, White observes, all contribute to and are necessary for a competent interaction with one's environment⁵. We might note that White's list of competences includes the type of *verbal communication* listed as another of Dennett's features of autonomy, and indeed a trait

⁵ White describes a range of processes involved in the development of competence based on the *average* human's development. This is not to say that if someone were to lack some of these experiential processes, they would necessarily lack the ability to develop competence. For example, if a person had no capacity to perceive through vision (from blindness) they could still gain competence through other forms of perception.

stressed as central within the discourse of philosophy of mind (Dennett 1976, p178. Cf. Müller 1887; Wittgenstein 1958; Ryle 1963; Chomsky 1965; Bennett 1967; Dennett 1969).

In his discussion of efficacy, Easterbrook sees the different states of efficacy as “referring to the choice aspect of voluntary behaviour”, that is, “differences in the impelling *pressure of prevailing needs*, on the one hand, and in preparedness to pursue various *possible rewards*, on the other” (Easterbrook 1978, p24). Easterbrook’s understanding of efficacy is interesting because he sees it as enabling the person to behave freely beyond action determined solely by fundamental needs; thus he sees needs as deterministically motivational and the attribute of efficacy as defining freedom from this. Easterbrook is distinguishing between actions that are chosen in terms of an actor wanting something positive and those actions that come about from merely avoiding distress (ibid., p22). This distinction quite nicely reflects the distinction between an *action* that can come about after the individual has been freed from the physiological coercive forces of severe ill-health, for example, and the mere *behaviour* exhibited in situations when such coercive forces have not been alleviated and she is left to behave only in the way that her physiological needs demand of her. This distinction between actions originating from the will of an autonomous person and desires created by the limitations of human biology and psychology can be strengthened through an identification of a further condition of autonomy suggested by Dennett, reflected in Harry G. Frankfurt’s theory of volition: the condition of *self-reflective consciousness*. That is, part of having competence will be an identification with one’s actions, freed from physiological determinism. In other words, there is a need for self-reflective consciousness and this need is corroborated by the theories of ITR and SDT. Dennett suggests that Frankfurt’s concept of second-order volition articulates this aspect of consciousness well. Frankfurt actually distinguishes two types of freedom: that of action and that of the will. Confusingly, what we have been describing as a capacity to *act* comes closer to his understanding of ‘freedom of the will’ when combined with his ‘freedom of action’ (Frankfurt 1971). Confusions over descriptive labels aside however, Frankfurt provides us with an apposite construal of the type of dualistic autonomy we have been trying to get at.

Frankfurt argues that freedom of the will comes only from having a will one *wants* to have, he asserts that whilst someone might be “free to do what he wants to do” he “may yet not be in a position to have the will he wants” (Frankfurt 1971, p17). Frankfurt develops this with a distinction between the “wanton” (e.g. small children, mentally disabled, non-human animals) who are only in possession of the capacity to do or not to do (a capacity for what he calls first-order desires) and those with first-order desires *and* the capacity to form second-order volitions, that is, a manifestation of “the capacity for reflective self-evaluation” (ibid., p7). This reflective self-evaluation, according to Dennett “is, and must be, genuine self-consciousness” which he argues is only achievable if one adopts an Anscombian stance of persuader and reason-asker towards oneself, encompassing the notion of knowledge of one’s own action. For, it is only when someone knows what she is doing that she can be held responsible for that action (Dennett 1976, p193).

Frankfurt’s two-orders-of-volition is a nice way to articulate the necessary distinction to be made between actions originating from the will of an autonomous person and desires created by the limitations of human biology and psychology. In developing a notion of autonomy in the dualist Kantian terms above, we noted the central role for the physiological aspects of the person, along with mental ability. We have so far looked at psychological capacities necessary to achieve autonomy, finding rationality and competence as necessary. What these conditions give rise to is internal *control* of action. This issue of control is key and tied intimately with the notion of responsibility; indeed, Deci and Ryan see control, along with competence as the central factor in grounding intrinsic motivation, that is, in self-determination (Deci & Ryan 1985, p32). As the dualist perspective outlines, there are two dimensions to this control, the psychological and physiological. We shall look at the latter in a moment, but before doing so we might say some more on the feature of psychological control, with particular reference to its role in giving rise to responsibility.

1.2.3 The need for (guidance) control

A number of theorists argue that tightly linked to the need for competence (or effectance) is *control*, where behavioural freedom is understood to be impossible without it (Easterbrook,

1978, p9); and where it is asserted that “each person has within him a basic need to gain control over his physical and psychological life-space” (Renshon 1974, p1). Indeed, we might describe the acquisition of the relevant psychological and cognitive skills through competence and rational skills as giving rise to a capacity for internal control. However, control has been understood in various ways (*cf.* Rotter 1966; de Charms 1969; Easterbrook 1978; Deci & Ryan 1985) and how control is defined is obviously intrinsic to how we conceive of and allocate responsibility – how far we understand having control to be analogous to being held accountable for action. John Martin Fischer and Mark Ravizza (1998) develop the notion of control to show how it is fundamental to responsibility and a crucial element to defining and differentiating between situations of responsibility. In response to concerns over the conflict between control/responsibility and causal determinism, they distinguish between two types of control: guidance control and regulative control. Guidance control, instrumental in defining moral responsibility, does not depend on the availability of other courses of an action for the agent, instead it relates to the actual sequence of events prior to an action; guidance control exists when an agent performed an action freely (Fischer & Ravizza 1998, p31). Crucially though, it still strongly requires that the reasons-responsive (deliberative) mechanism involved be the *person's own mechanism*, so as to rule out the possibility of external control (for more on which, see section [2] below). Alternatively, there is also regulative control, which requires alternative possibilities open to the agent – this control is sufficient but not necessary for moral action.

This ‘guidance’ understanding of control suits our demands of psychological autonomy; both by helping define the most basic form of moral responsibility and through its compatibility with the Kantian roots of our concept of autonomy (Kant uses a similar stress on *capacity* of the agent to perform an action, rather than the existence of alternative possibilities). As such, moral responsibility attributable to an individual is grounded in “the extent that this action issues from the agent’s own, reasons-responsive mechanism” (*ibid.*, p.241). That is, it involves ownership and reasons-responsiveness of the mechanism in consistency with how the world is understood to work. People therefore can only be understood as autonomous, and thus responsible if they consider their actions to work in relation with this element of control, that is, the capability to effect.

Fischer and Ravizza stress the importance of individuals attaining control before their autonomy can be fully realised. Individuals cultivate the type of competence skills described above by learning to understand how the world works (or at least appears to), the relationship between cause and effect, their effects on the world and others, and crucially in coming “to believe that [they are] a fair target of certain responses – the ‘reactive attitudes’ and certain practices, such as punishment – as a result of the way in which he exercises his agency” (ibid.). As a consequence, the individual learns to take responsibility for certain actions such as reasoning and non-reflective habits, expressed by accepting praise and blame. Thus, it is moral learning, general education and interaction with the world that will develop the competence capacities giving rise to the type of control necessary for autonomy and responsibility. Such learning and development of cognitive capacities will be crucial to the achievement of psychological autonomy; where the child develops a *perception of herself as an actor* partly from moral education, she begins to observe and understand that outcomes depend on her choices and bodily movements (ibid.). We might here emphasise two final conditions of Dennett’s: *stance* and *reciprocity* – where stance suggests that the way we treat an individual to some degree constitutes their having personhood (MacKay 1962; Strawson 1962; Rorty 1962; Putnam 1964; Flew 1968; Dennett 1971; Nagel 1972) and reciprocity describes the attitude of the actor herself and her capacity to reciprocate and understand the autonomy of others (Dennett 1976, p178). These conditions are worth emphasising in so far as they reinforce the notion that although the autonomy being described is individualist, it both recognises and is *reliant upon a collection of individuals for meaning*, i.e. on the social context. These conditions nicely articulate the importance of the relational and dependent conditions of autonomy that have been revealed. Indeed, this notion of relational conditions of autonomy might initiate questions about the individualistic, a-contextualised and rationalistic model of autonomy we have been pursuing here; such questions will be attended to in detail in section [4] below, at which time we will review a number of critiques of the manner in which autonomy and action have been formulated throughout.

Along with the positive capacities required to achieve the psychological dimension of autonomy (determined as rationality, competence, and control), we might suggest that there is

also a need to be free from mental ill-health. For, whether a particular mental illness is defined as impairing normal judgment, inhibiting competence or control, or at the most extreme, the obverse of practical rationality (Doyal & Gough 1991, p62) it is apparent that it will affect the will and the capacity for an individual to be a fully independent author responsible for her actions. Indeed, mental illness can be understood to refer to unnatural obstructions to the type of cognitive functions central to competence, control and rationality (Boorse 1976). Like physical diseases, mental illness can “interfere not merely with the ability to do particular things, but with one’s general capacity for action” (Plant et.al 1980, p50).

Of course, even with it being made analogous to the physiological ill-health of the body, defining and agreeing upon what mental illness is and the disorders that should be included within its parameters is problematic. The problem with mental illness is that its diagnosis is more liable to be inconsistent than with physical diseases; “the fact that the aetiology of most mental illnesses is unknown or disputed means that they are commonly diagnosed using a syndrome of symptoms together with details about the personal and social background of patients, rather than physical measurement” (Doyal & Gough 1991, p180). This being said, with the advance in neurological understanding of psychological impairment, there is an increasing likelihood that mental illness could be understood in a more concrete and cross-cultural way. Whilst there is no universally agreed list of mental disorders, there has nonetheless over the past number of decades been substantial progress in the acceptance and advancement of uniform international taxonomies of mental disorder (Busfield 1986, p43). The widely and internationally used World Health Organisation’s international classification of diseases (ICD) includes the classification of mental and behavioural disorders (WHO 1993, 2007). This classification has developed alongside the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM) (APA 2000). Given the largely corresponding information contained in both, there is a good consensus in many states on the classification of mental illness. Len Doyal and Ian Gough note that the ICD and DSM “constitute a real achievement in operationalising the cross cultural diagnosis of mental disorder” (Doyal & Gough 1991, p181). Supporting this, Morton Beiser argues that that the DSM particularly has been accomplished in “making diagnosis both more denotive and more operational” (Beiser 1985, p289).

So whilst there is sufficient consensus to establish an absence of mental illness as a constituent condition of autonomy, we nonetheless have to accept that we are a fair way off from being in a position where there is absolute agreement on the exact nature and meaning of mental illness and how precisely it affects autonomy in all situations. Indeed, given the empirical-based grounding of the psychological literature upon which all the psychological constituent components of autonomy have been founded, the above outline of those components is necessarily somewhat vague and fluid. This is because of an ever changing and increasing understanding of psychology and the workings of the brain; the framework put forward here has to be subject to redefinition and change. It may be contended that the fluid nature of the components put forward here undermines the claim for the existence of objective psychological needs, but it is not clear that this is so. Instead, the aim is to show that there is indeed a way in which we can understand individuals to be seen as moral persons even if the precise limits are subject to dispute. Thus, even if it is possible to take issue with the way we define mental health, or the extent to which we determine learning necessary for achieving competence and control, this should not undermine the relevance of mental health and competence and control as crucial components of psychological autonomy. Instead, the primary aim here has been to *present a credible set of components that successfully articulate the type of psychological moral autonomy necessary for an individual's accountable action. These have been determined as; (i) rationality; (ii) competence and control; (iii) and absence of mental illness.*

1.3 The Conditions for Autonomy (II): The Physiological Conditions

Whilst we have determined the psychological conditions necessary for autonomy, we could still conceive of an individual who has such capacities but is an inadmissible candidate for moral appraisal due to those capacities being obstructed by outstanding physiological demands – that arise as a result of, for example, severe injury, severe disease, or starvation. Indeed, there have been experiments conducted which give support to the idea that when deprived of basic physiological conditions, an individual's personal control and responsibility are affected. The most widely known experiment to show this is the Minnesota starvation experiment. This

experiment, conducted between 1944 and 1945 used 36 conscientious objector volunteers who submitted to a severe dietary restriction for 6 months. The results of this experiment generally support the notion that the subjects' need for food dominated and adversely affected their behaviour, specifically indicating that prolonged semi-starvation produced significant increases in a number of disorders as categorised by the Minnesota Multiphasic Personality Inventory. Fundamentally, what was shown by the data was a *loss of self-control*, that "hunger had reduced the efficacy component of their responsibility" (Easterbrook 1978, p57). The idea simply is that a complete account of moral action will have to accommodate (along with a recognition of the type of cognitive control just described) an understanding of the coercive and inhibitory powers of the human's biological make-up. Thus, we will have to account for the physiological aspects of action along with the psychological ones.

To return to Frankfurt's conceptual framework of the will introduced above, it could be argued that a person, whose very basic physiological needs have not been fulfilled, will have their desires determined by the non-volitional limitations of demands made by physical needs. That is, a first-order volition will be vulnerable to the physiological aspect of basic need and the immediacy it entails. It is only once those needs have been addressed that second order volitions can come into play. Thus, autonomy can only come about once someone no longer has outstanding physiological needs obstructing control (such as through severe pain); it is only then that Frankfurt's second-order volition can be expressed. In less cognitively-informed terms, we might describe it thus: so long as an individual is suffering severe pain (through injury, starvation or disease, for example) she cannot 'think straight', her wants will be solely determined by the basic physiological demands made as a consequence of her suffering. What is central here is the *causal relationship between physiological suffering and an absence of control*. In other words, when an individual suffers from severe ill-health her condition acts as a form of coercion on the will; with debilitated internal control, she will be unable to display true (second-order) volition, merely *behaving* – as her physiological needs dictate – rather than freely *acting*. Indeed, the findings of the Minnesota experiment, although dated and controversial, help give some empirical grounding to the notion that physiological needs can frustrate or inhibit psychological autonomy.

1.3.1 Freedom from coercive ill-health: absence of severe disease and injury

So what might we understand this physiological inhibition to be constituted of exactly? Well, the first form is the phenomenon of physiologically coercive ill-health. This understanding of ill-health might suitably correspond with a negative formulation of health, where physiological autonomy is conceived in terms of a “need for freedom from ill-health or injury” (Plant et al. 1980, p49). Raymond Plant et al. affirm this negative version of health as one of their constituent parts of autonomy, observing that if ill-health or injury is “sufficiently severe, it will interfere with the capacity for purposive action: so once again any moral code must acknowledge a minimal level of health as a need” (ibid.). In a similar vein, physical health is conceptually linked with the absence of biological disease and thus physiological impairment by mainstream Western medicine (Doyal & Gough 1991, p56). In other words, according to this conception, physical health is realised as long as an individual does not suffer from one or more particular diseases (Caplan et al. 1981; Fulford 1989). As Margaret Stacey (1988) notes, the clinical medicine approach and epidemiology both conceive of the biological base of health in similar ways, where health equals “the absence of disease or death” (Stacey 1988, p170). The particular diseases in question are universalizable by their being linked to the *biomedical model*⁶ and the technical understanding it provides for each one (Doyal & Gough 1991, p57). This model embodies a negative understanding of health, and in so doing engenders an extensive specification of many diseases, attempting to apply understandings of physical health cross-culturally and in differing social contexts, and providing an “unrivalled framework for classification and explanation” (ibid., p176).

Whilst ill-health can be conceived in terms of the biomedical model, the type of ill-health we are talking about must be *severe* enough to *inhibit internal control through its coercive nature*. Coercive ill-health will not include, for example, a bad cold or cough, nor will it include those conditions that may have arisen from disease or injury but have since been treated. So, it is not

⁶ The *biomedical model* of medicine is the principle model used by physicians (since the mid nineteenth century) in the diagnosis of disease. The model works as a surrogate for a human being, or a human biological system, based on physical processes such as the biochemistry, physiology and pathology of disease. It can be used to understand normal and abnormal functionings from gene to phenotype and to provide a basis for preventive or therapeutic intervention in human diseases. For a discussion of various types of biomedical models see Conn (2008).

that someone who has suffered severe injury in the past – for example someone who has lost a leg – is not autonomous, but that *before* treatment she could have been considered non-autonomous if, for example, she were left in excruciating pain. Clearly we are able to make such a person autonomous again by removing the injurious physiological coercion through treatment. This may be a little unsatisfactory in its vagueness, but the emphasis is upon *inhibition to action through current severe pain or suffering*. It is important to note that it is not that individuals need to be capable of full physiological movement; rather, it is that they *need to be free from disease or injury that is severe enough to frustrate the capacity to display true, second-order volition and thus debilitate internal control*. The worry of course is the potential circularity of this understanding of ill-health; to define the relevant ill-health as coercive, and thus inhibitory of autonomy, is to set the parameters of what constitutes severe, whilst we are relying upon the notion of severe to determine when people's injuries or diseases are coercive and inhibitive of their autonomy. Essentially, severity, through its coercively inhibitive nature, will have to be a medically assessed /defined phenomena; in the end it will be person and context specific as to whether a given disease or injury is inhibiting autonomy. The extremes will be clear (for example, a cold at one end, internal bleeding in the lungs at the other), but many diseases and injuries between the extremes will be subject to medical assessment in terms of how coercive, and thus inhibitory, the disease or injury is understood to be for the person in question.

This issue of outsider medical expertise as instrumental in determining the nature of basic needs brings to the surface an issue that provides a problematic undercurrent for any type of theory positing the possibility of identifying objective needs: the problem of paternalism. This issue of paternalism will be discussed in §4.6 below when we discuss the problem of exclusion and again in detail in §1.3 and §1.6 of the next chapter.

1.3.2 The need for working biological functions and survival

Along with severe disease and injury however, there exist further elements that relate to the absence of physiological inhibition of autonomy. Individuals need to have *proper workings of all their necessary bodily functions*, without such, their bodies would soon suffer severe harm

and cause them injury. Such functions can be understood to include breathing, working organs, periodic rest and sleep. The second element implicit in the need for an absence of physical inhibition of autonomy is the need for the body to be surviving. The fact that physical survival is a basic good needed for autonomy should be reasonably self-evident. For a person to even conceive of, or discuss moral action, her survival is a precondition. Survival alone however, will only guarantee beings remain alive and this as a condition in itself will not suffice in guaranteeing that such beings are autonomous. Instead, we have specified further constituent needs that go to make up a human being's autonomy – their capacity not just to stay alive, but to stay alive “in a condition in which one can act freely and purposively” (Plant et al. 1980, p46). To summarise then, for beings to be considered physiologically autonomous they have an *inherent need for: (iv) survival; (v) absence of severe disease and injury; and (vi) working biological functions*. This compilation of needs has been purposively and explicitly minimal; these needs have been defined in terms that can be measured by scientific observation and as such, are not inherently inflationary – i.e. they do not suffer from the problematic phenomenon of a “rising minimum” or cultural specificity (Jones 1994, p154). Accordingly the aim is to refute claims that such needs are subject to cultural interpretation and vulnerable to community specific understandings. The hope here is that the list should appear as obvious and inclusive but not unnecessarily extensive. The needs (iv) and (v) particularly will require a set of goods for their realisation. This set of goods is open and subject to empirical evidence and development in science, however it seems clear that currently an *adequate diet (food and water), shelter and clothing appropriate to climate, as well as access to medical care* would all be central to meeting these needs. Need (vi) aims to include the natural and necessary functioning s of the body that are integral to maintaining life and freedom from severe ill-health. In terms of a practical response, this need will most likely demand that all beings are provided with clean water and sanitation and probably some preventative vaccinations for example.

Overall, the idea of autonomy here, understood as requiring certain mental and cognitive skills and the freedom from the coercive phenomenon of severe ill-health, can be understood to link the notion of competence with control. Where survival, working biological functions and absence of severe disease and injury will give physiological control; and competence,

rationality and absence of mental illness will give rise to psychological control. Accordingly, moral action would seem to derive from the freely chosen dictates of an autonomous will in the context of physically determined processes. In other words, autonomy describes a set of internal goods that are needed in order for an individual to act. We will recall that we saw that a distinction between behaviour and action reveals there to be a defining element of responsibility in the latter, where it is a capacity to deliberate and choose which separates beings from moral persons. Indeed it is this last quality that ensures the centrality of Kantian thought in liberal theory: the principle of equal respect for individuals as part of humanity, derived from the recognition that all moral persons are people of rational capacity and thus deserving of the freedom to determine their own will. However, whilst autonomy is necessary for the responsibility entailed by moral action, the question that then arises is whether autonomy, as so conceived, is a *sufficient* condition of moral action, particularly with regard to being held responsible for that action. Indeed, it may be argued that responsibility and autonomy have been conflated mistakenly here, when they are in fact two quite separate concepts. Gerald Dworkin (1988) and Richard Lindley (1986) for example, both argue that the two notions should be held to be far more distinct and unrelated than they have been so far. Lindley questions how Kantian autonomy can deliver moral responsibility; he instead asserts that “autonomy can be distinguished from the sort of freedom from causal determination which is thought to be necessary to explain moral desert” (Lindley 1986, p25). Whilst it has been shown that autonomy and responsibility are far from unrelated (it terms of the latter requiring the former) it does seem quite possible that whilst an individual may have the physiological and psychological capacity for action (i.e. being autonomous) through having internal control they could still be rendered incapable of moral action and thus devoid of moral responsibility, through the role of *external* forces – or freedom from causal determinism as described by Lindley⁷. That is, the autonomous individual may be subject to external control of some kind, either removing the possibility of acting altogether or having no choice in that action, and thus undermining their responsibility. We should explore this possibility now.

2. ACTION AND THE BASIC NEED FOR FREEDOM FROM EXTERNAL CONTROL

⁷ We do not want to get into the debate between the doctrines of determinism and compatibilism – it is far too large and complex. When discussing external control, we are discussing the role of forces external to the body in terms of moral action.

There would seem to be three main ways in which we might conceive of an autonomous person being subject to external control, and thus preventing them from acting in the way they intended. The first is through external physical constraint. That is, through direct physical intervention. Where, even if an individual has achieved autonomy in so far as she has the necessary mental capacities and physiological conditions, her act may still be inhibited through direct physical constraint. This phenomenon has been described as 'violence' (Gewirth 1978; O'Neill 1996 & 2000) and 'compulsion' (Feinberg 1986, p190). The description of compulsion seems more conducive since, as a term, it better engages with the philosophical notion of impediment to action, rather than the objectionable character of violence more generally. Actual physical prevention of one's action is not the only way there can be external control however; the *threat* of physical force or harm can often be enough to control an individual so that they do not act in accordance with their will. This type of intervention might be described as coercion (Gewirth 1978; Korsgaard 1996, p140-3; Feinberg 1986; O'Neill 1996, 2000; Kant 2002, §4:428-4:430). Furthermore, we might imagine that without threat or physical force someone could still be forced to act in a way they would not have intended, by being given false information with which to direct their intention. This phenomenon can be understood to constitute deception (Gewirth 1978; Korsgaard 1996, p140-3; O'Neill 1996, 2000; Kant 2002, §4:428-4:430). Indeed, these observations work in line with the Kantian model, where, according to his *Formula of Humanity*, he sees coercion and deception as the two key forms of inhibiting freedom, grouping the obligation not to do these, "under the heading of 'requirements to respect others' external freedom'" (O'Neill 2000, p139). According to Kant's *Formula of Humanity*, coercion and deception particularly, constitute "the most fundamental force of wrongdoings to others"; they are inherently problematic in that they "violate the conditions of possible assent" (Korsgaard 1996, p140). There is, of course, a vast amount of literature on the issue of what constitutes inhibition to action, and there is not the space to go into it in detail or do it justice here. Nevertheless, we might say a bit about these three identified means of interference with external control in order to get an idea of what we are talking about when asserting that there is a basic need for freedom from external control.

2.1 Freedom from Compulsion

So, we start with 'compulsion'. The notion of compulsion here is taken to describe an inescapable force compelling a person to behave in a way completely beyond their control, whether this involves physical violence (such as physically pushing someone to do something) or natural forces (such as a hurricane sending someone flying). An account of compulsion as inhibiting freedom can be understood as one of *prevention* (Anderson 2010, p9), and what seems key is that the individual compelled has no choice in the matter – she does not decide to act in any way at all. Joel Feinberg describes compulsion as meaning that “options are closed, in the sense that some alternative, or all alternatives, to a given act are made impossible, where the closure is brought about by natural, social or internal or external facilities” (Feinberg 1986, p190). Here then, there is no option available so that the actor is compelled to act in the way that the compulsion determines; compulsion can directly disable or constrain the compelled from being able to act or might cause them to do something other than they had intended (Anderson 2010, p8). It seems clear enough that in circumstances where such compulsion is present, one cannot be properly conceived of as acting in any meaningful way. The body is moving but not acting. That is, according to the distinction above: there is behaviour rather than action, and that behaviour is not *voluntary*. As Feinberg notes, when under a compulsive force, “one does not *choose* or *decide* or *elect*, in these cases, to move one’s own body; rather one’s body is moved for one, and there is no role whatever for one’s will, whether resistant or acquiescent” (Feinberg 1986, p190).

2.2 Freedom From Coercion

As mentioned, actual physical prevention of one’s action is not the only way there can be external control; the threat of violence, rather than the use of it, is another way in which someone’s action can be dictated against their will. This type of coercion can be understood as a way in which a powerful agent, the coercer, can force another to do as she wishes and to impose her will on another, changing their action so that it conflicts with their original will. This coercion, expressed through threat, “causes its victim to perform, from a motive by which he would prefer not to be moved, an action which *complies* with the threat” (Frankfurt 1973, p82). So, coercion, against a backdrop of a realistic and enforceable threat of an undesired

alternative, describes forcing an agent to choose the option desired by the coerced. Unlike with compulsion, coercion does not eradicate an alternative but it makes that alternative less appealing by making it more costly. What is significant here is that the alternative that remains is so *unreasonable* that it is rendered *ineligible* (Feinberg 1986, p192).

So, whilst one can still 'act' when coerced, that act cannot be conceived of as acting in the moral sense that we are searching for given the coercion we are describing leaves no reasonable option – meaning that the original intention is ineligible. So where the autonomous decision-making process has occurred, there is now no means to implement it. Whilst there is a difference here between compulsion and coercion insofar as the former does not allow the individual to actually *act* in any way, but merely be compelled, and the latter entails action of a sort, they amount to the same thing insofar as action by coercion is directed by an external force and cannot be conceived of as being subject to the autonomous will of the coerced. As Feinberg puts it, whilst threats force an individual to *act* in some way (rather than just be physically moved or restricted in bodily motions), "if the alternative to compliance is some unthinkable disaster – such as the death of a child – then one alternative choice is made so unreasonably costly that it is quite ineligible" (ibid.). That is, the alternative is "no better than no choice at all" (ibid.). Accordingly, when coerced in this way, one cannot be conceived of as having the required (moral) action realised because autonomy has been overruled by another's will. Thus, moral action will require absence of external coercion.

It might be argued that in conceiving coercion in the way that we have, we have ignored the nuanced relationship between autonomy, freedom and responsibility. Raz for example, argues that coercion is not always wrong and should not always be seen as impermissible. He gives the example of it not being morally wrong to coerce a person off the road in order to prevent her from getting killed (Raz 1986, p378). Whilst this seems perfectly correct, it is not clear that this sort of intervention constitutes coercion, as we have understood it. For, in the example Raz provides it is unclear that the intervention involved (by someone we shall call *person A*) goes against the intention of the person about to get killed (*person B*) if that person knew she was about to be killed. So, whilst it is perfectly true that given *person B*'s lack of knowledge of her impending death, she cannot formulate an intention to avoid it, it still seems to be the case

that given the facts, the 'coercion' involved guides *person B* in line with what *she would have* intended. As such, the type of intervention would have been in line with the coerced's will if she had been in possession of the relevant facts. Thus, either it cannot be fairly described as coercion or at least, if this is not the case, we can discount this type of intervention from our understanding of coercion here.

What must be remembered, from the basic needs perspective is that we are interested in moral action and responsibility. Accordingly, the purpose is to look at where coercion is problematic in relation to autonomy in inhibiting this action. Thus, if it shown that coercion works in line with the coerced's intention (her autonomous decision) then it is not morally problematic or indeed does not clearly constitute coercion. As outlined above, coercion is usually defined in terms of contrasting intended outcomes, where the coercer seeks to *change* the action that was originally intended by the coerced. That is, "coercion is a means of dissuading people from making choices they might otherwise make" (Doyal & Harris 1986, p90) It is the *supplanting* of one person's autonomous choice (the coerced) with another's (the coercer), and as such the definition has embodied within it two different interests, unlike in Raz's example. What is important here then, is not whether coercion or compulsion is morally acceptable or not from the coercer's point of view but *how it affects the moral responsibility of the person being coerced or compelled*. We are looking at situations in which someone can be said to have not acted in a way that is subject to moral judgement.

2.3 Freedom from Deception

The role of threats involved in coercion can also be observed in the context of deception, where they constitute "bluffing threats", threats that are based in deceptive grounds (Feinberg 1986, pp301-2). This issue of deception can be seen to interfere with an individual's freedom of action through a number of means, for example, along with bluffing threats, through false promises, bluffing warnings and other false pretences (ibid., pp301-5). Deception can be conceived of as similar to coercion insofar as it does leave a choice but that choice cannot be understood to be a *true* choice since, in the case of deception, it is based on false information. That is, whilst an act has been chosen, it was not a choice in the context of correct facts and it

may not have been chosen if the actor in question had knowledge of the correct facts when making that choice. Deception is problematic then because whilst a recipient can be understood as giving *unforced* consent, that consent only comes as a consequence of intentional misrepresentations or falsehoods (Gewirth 1978, p252). Like threats, Feinberg notes, false promises “purport to be guarantees of the promiser’s future performance, but they also release the promisee from responsibility if the promise is defaulted” (Feinberg 1986, p302). So for example, if *person A* took a book from a shop without paying for it on the grounds that *person B* promised to pay for it, but then *person B* failed to do so, it seems unlikely that we could blame *person A*, or accuse them of stealing so long as they took the book on the grounds that they understood *person B* would be paying for it. Feinberg observes that expressed intent based on misinformation or induced by fraud “in the *factum* renders consent as totally involuntary as bodily movements compelled by hurricanes or earthquakes” (ibid., p301). So whilst the deceived consents to *something*, the deceiver does something quite different to what has been consented to. Overall, deception relates to control; for, in order for a person to have control, their actions are made on the basis of *informed reasons* for acting in the way that they do, where, amongst other things, the actor “knows what action he is performing, for what purpose, its proximate outcome, and his recipients” (Gewirth 1978, p31).

In her discussion of Kant’s emphasis on these types of deception and coercion as inhibitors of action, Christine Korsgaard rather neatly sums up their effect and implication on the deceived/coerced; she notes that, in its violation of autonomy, “physical coercion treats someone’s person as a tool” and deception “treats someone’s reason as a tool” (Korsgaard 1996, p141). This description manages to capture the lack of control the coerced/deceived suffer, describing them as passive rather than active subjects, whilst also bringing to the fore the importance of the individual as an end in herself rather than a means to be dictated for the benefit of another. Korsgaard argues that any interference which diverts or prevents a person from acting in the way that she intends, is “one that treats the person “as a mediate rather than a first cause; hence as a mere means, a thing, a tool” (ibid.).

2.4 The Relevance of Arbitrary Power

What should be noted about the constituent features of freedom from external control is the importance of the *relational positioning* between people. Compulsion, coercion and deception all entail a distorted balance of power: between the compeller and the compelled; the coercer and the coerced; and the deceiver and the deceived. For example, coercion and deceptive bluffs both involve the presence of a threat and such a threat is reliant upon, and expresses, dominance of one party over another. Feinberg notes that threats work in conjunction with having some convincing evidence of the capacity and power to follow through with them, power which accordingly pressurises and influences another person's will, where the threats are used as ways to make the coerced do what the coercer wants them to (Feinberg 1986, p192). As Onora O'Neill notes, "what constitutes a threat depends on what powers a threatener has to harm particular victims – hence also on the reciprocal power, i.e. on the vulnerability of those threatened" (O'Neill 1991, p300). O'Neill links this notion of vulnerability back to the basics of human finitude, where "human finitude can take many shapes: each shape constitutes a specific configuration of need and vulnerability, which others can exploit or respect" (ibid.).

Whilst O'Neill argues that the mere presence of an imbalance in power entails coercion and deception, this is not clearly the case. Feinberg, more reasonably observes that "the point is not that disparities in power are inherently coercive, but rather that if they are great enough they make abuses likely" (Feinberg 1986, p260). O'Neill is interested in eradicating coercion and deception so as to comply with her asserted perfect duties not to coerce or to deceive; however, we are interested in freedom from coercion and deception in order for individuals to be understood as moral actors, responsible for their action. As such, what seems to be of importance here in terms of responsibility is not that there *is* a power imbalance but that the power when wielded represents arbitrary dominance over another (Pettit 1997, 2001)⁸. The notion of arbitrariness here is central. Coercion, for example, involves one person supplanting their will on that of another to impede the originally intended action; it has been understood

⁸ It should be noted that the interest here in the notion of arbitrary dominance is in terms of its role in facilitating coercion, deception and compulsion. Philip Pettit's interest in arbitrary dominance is grounded in his 'Republican' theory of freedom (1997, 2001). Pettit's Republicanism sees freedom in opposition to domination, where the lack of freedom comes from an individual being permanently liable to arbitrary domination expressed through interference. Thus, the problem for Pettit is a more of a future-regarding notion of the subject *believing they might be subject to the arbitrary power of another*.

primarily as embodying a personal whim, motivated by personal interest and one that demands domination for it to work. Likewise with deception, there is an analogous supplanting of one will by another through dishonest means of manipulation. In this sense then, it is arbitrary insofar as it has no universalizable reasoning behind its motivation and is reliant upon unequal power between parties. Thus, these forms of interference with freedom are to be understood as expressions of arbitrary non-universalizable means of dictating the act of someone (who, by definition, has not consented to such dictation) by another.

The requirement of eliminating arbitrary power here should not be confused with the need to eliminate interference of any kind. Indeed, it should be emphasised that a need for an absence of external *control* is not analogous to a need for an absence of external *interference* – where the latter tends to be the type of freedom demanded by those who subscribe to a negative concept of liberty. That is, the area within which the individual is to be “left to do or be what he is able to do or be, without interference by other persons” (Berlin 1969, pp121-22). Control and interference are different concepts and this is important in terms of making the need for autonomy and the need for freedom from external control compatible. The emphasis here is on the decision-making capacity and action of the individual rather than the role of external interference. As noted above, external control can come in the form of coercion, deception and compulsion. To be free from these phenomena does not mean that one has to be free from interference; indeed, often freedom from coercion, deception and compulsion require interference in order to ensure such freedom. This interference will most often come in terms of stopping those who are doing the coercing, compelling or deceiving either directly or through creating a social system that works against such attempts at control. Interference might also be necessary in terms helping those susceptible to external control. With deception for example, meeting the need for psychological autonomy (e.g. through education and social support) should reduce an individual’s vulnerability to control through deception. This argument needs to be looked at more, and we will do so both in Chapter 4 – when examining the type of obligation of justice which comes as a result of recognising the reality and normative relevance of our basic needs – and again in Chapter 6 when looking at the type of political rule a concern with meeting the basic needs entails.

2.5 Moral Responsibility and the Need for Freedom from External Control

Of course, a core aspect of the three versions of external control – through compulsion, coercion and deception – is the relationship with the notion of responsibility, a notion we have established as the central definitional aspect of moral action. To start with coercion for example; as we have seen, coercion requires that a person not only has no *reasonable* choice, it requires that those subjected to a threat should have no option but submission, “in a sense in which this implies not merely that the person would act reasonably in submitting” (Frankfurt 1973, p77). Crucially, Frankfurt argues that this condition means that the coerced cannot, therefore, be *blamed* for their submissive action, that is, they cannot be held morally responsible (ibid.). Now, whilst the allocation of responsibility is complex, what seems fair to argue is that when coercion as defined here occurs and the alternative presented is ineligible, responsibility cannot plausibly be attributed to the coerced. As Richard Holton notes, whilst we accept that the person acted in some way we feel their moral responsibility was lessened; “we think them justified in doing so, or excuse them if not” (Holton 2007, p106). The presence of deception works in similar ways. For, as we have seen, deception means that the intention expressed is not attributable to the actor in a morally responsible way given that the intention itself came as a result of manipulation through falsehood(s). Likewise with compulsion, if an individual is unavoidably prevented from acting in the way that was intended, that individual cannot be taken to be morally responsible for that particular event. For, if a person is incapacitated or restrained by physical violence, or if they are denied essential means to achieve a purpose, it is then fairly obvious that they have an excuse for not doing otherwise than they did (Anderson 2011). This alleviation from responsibility, is grounded in the ‘ought implies can’ principle, where if someone is unable to do something it provides a legitimate excuse for why that person cannot be held responsible for failing to do it (ibid.).

What is notable about responsibility is that it can only come about when a person is seen to have acted, and that action is their own and a voluntary choice. This is where the idea of action entailing responsibility draws together autonomy and freedom from external control. For, whilst some theorists, such as Richard Arneson, will link solely the concept of autonomy with the notion of responsibility, where autonomy is rooted in the idea that “in making a voluntary

choice a person takes on responsibility for all the foreseeable consequences to himself that flow from this voluntary choice” (Arneson 1980, p475), as Feinberg points out, the chronology of the link between the two has to be maintained, that is, the idea of responsibility is *derivative* of the notion of autonomy rather than constitutive of it (Feinberg 1989, p42). As our discussion of freedom has revealed, part of what goes to determine responsibility is the freedom from external control, where an actor is autonomous and free to act upon their autonomous will.

So, there can be both physical control (through compulsion) and psychological control (through coercion and deception) that work as a means of controlling individuals. To summarise: compulsion, coercion and deception can be conceived of as preventing the autonomous person (insofar as they have the necessary mental capacities and physiological freedom to act) carrying out their intended action. This highlights the gap between autonomy and action; for, whilst we have established above that autonomy is central to action, it also seems clear that a person can be autonomous but still not eligible to be conceived of as a moral actor insofar as they were compelled or coerced to act in the way that they did. So, whilst they acted in the very basic meaning of the term (i.e. they behaved), they did not act in a morally accountable way, since morally accountable action involves a person who can control her action (with knowledge of relevant circumstances and freedom from interference), conferring upon it a voluntary character. Indeed, its voluntariness is what constitutes part of the justificatory basis upon which we attribute responsibility. As such, along with the need for autonomy there will be a need for absence from external control in order for an individual to be conceived as an actor subject to a moral framework as is required by our premise. The constituent needs involved in the basic need for freedom from external control are: (vii) *absence of compulsion*, (viii) *absence of coercion*, and (ix) *absence of deception*.

3. IN SUM: THE TWO BASIC NEEDS OF AUTONOMY⁹ & FREEDOM FROM EXTERNAL CONTROL¹⁰

⁹ Some might call, what we have defined as *autonomy*, ‘agency’. However, the word ‘autonomy’ seems more apt here given the Kantian roots and also due to the more all-encompassing connotations the concept of autonomy has. It seems to better communicate positive control over one’s body as well as cognitive capacities.

¹⁰ We should note that throughout the rest of the thesis, sometimes when referring to the basic need for ‘freedom from external control’ the term ‘freedom’ may be used for short.

So, we now have a conception of action involving two basic needs: *the need for autonomy* and *the need for freedom from external control*. This account of action aims to articulate the necessity of being free from external constraints, as well as giving a type of agency to psychological and physical action that a purely externalised understanding of freedom on its own ignores. Where, to be capable of free purposive action, one has to be free of compulsion, deception and coercion (involving absence of external control and physiological inhibition) and as well as understanding the significance of one's actions through having the necessary mental capacities and being undeceived. That is, one requires *internal control* through the possession of the relevant capacities of autonomy (i.e. the cognitive capacities to understand and be aware of one's intentions in acting and freedom from physiological barriers to those intentions) and *freedom from external control*.

In contrast to this emphasis on choice and action, behavioural determinists such as B. F. Skinner (1972) see action as a consequence of past history and behavioural conditioning. Nevertheless, as Len Doyal and Roger Harris point out, Skinner's world of determinism would endorse a society of tailor-made people, behaviourally conditioned through some social planning scheme: people that are complacent but 'happy' (Doyal & Harris 1986, p59). This point is not made in order to discredit behavioural determinism through sensationalising its consequences, it is instead meant to highlight what in fact many feel is the quality of being human: *the freedom and dignity to determine one's self*. For a moral world to exist at all, it has to contain a type of moral responsibility that derives from people having the capacity to choose, which in turn derives from their being free and autonomous. The transformation from 'being' to 'acting' has been encapsulated through goods that describe what the body *needs* in order to act and to be an author of that action – goods that here we are calling *autonomy* and *freedom* (from the external barriers to that autonomous act).

In asserting there to be a basic need for autonomy and freedom from external control we seem to be making two primary claims: firstly, that autonomy and freedom are as we have identified them and that this identification is even possible to do in the way that we have; and secondly, that they each constitute something called a 'basic need'. Both these claims need to be

examined more closely. In terms of the latter, it needs to be asked what we are saying when ascribing the characteristic of 'basic need' and how more detail on the character of a basic need in the abstract might reveal more about, and further reinforce, what has been established here in terms of autonomy and freedom. Accordingly we shall dedicate the next chapter to doing this. In terms of the former claim, we might spend the rest of this chapter looking at some critiques of the method and coherence of our claims about the nature of autonomy and freedom made here with the aim of, by the end of it, having a more developed and clear understanding of the two concepts and their relationship to action and responsibility.

4. PROBLEMATIC ISSUES SURROUNDING THE DERIVATION OF AUTONOMY AND FREEDOM AS CENTRAL TO ACTION

4.1 Action as a Matter of Degree

It might be argued that the way in which we have formulated the capacity to act has been inaccurate in its dichotomisation of the notion of action itself – where people do not possess autonomy and freedom in the absolutist manner that might have been implied above. It could be argued that it is not a matter of being able to act (or not act) but instead it should be conceived of as a more gradual process-oriented notion. There have been two aspects identified as central to action (autonomy and freedom), and the root of this critique might be understood to target the concept of autonomy primarily. For, freedom is something more obviously open to absolutist terms. Of course, there are always questions over what constitutes the type of deception, coercion and compulsion we have talked about, but our rough parameters have set the guidelines on this and we can be content with this aspect of action as sufficiently absolutist. Autonomy on the other hand is more open to the charge here that we have presented it in an inaccurately absolutist way. Lawrence A. Hamilton for example, argues that in terms of where autonomy is observed in practice it is expressed in degrees of control rather than as an absolute. He disputes that we can consider autonomy in a framework that entails a binary understanding of the term. Instead of being autonomous or non-autonomous, Hamilton contends that autonomy is “a question of the *degree of acquired level of power*” (Hamilton 2003, p45). Moreover, he sees that instead of our more absolutist *a priori*

understanding of autonomy, we should be looking at it as something that rests on the “power to accomplish plans and tasks and the strength and means to make and defend need-claims” (ibid.). As such, he believes that in day-to-day living there are no specific needs relating to autonomy.

For Hamilton’s part, he seems to have a more maximal conception of autonomy than is necessary here. The inherent need for autonomy that is being asserted exists because it *comes prior to* the type of power of which he talks; and, as such, a distinction between ideal and basic autonomy might be useful to introduce here. On the one hand, we have ‘ideal autonomy’, which is realised when a person is said to have aspired to and achieved the goal of being an individual who is maximally true to herself and wholly unbound by influences of a self-distorting nature. It is this ideal autonomy to which Hamilton seems to refer, and it may well be the case that in this more elaborate form autonomy will inevitably be acquired only to a degree and will constitute a goal to which persons should aspire. On the other hand, there is ‘basic autonomy’, which we have been describing; this relates to the minimal condition of self-reliance, responsibility and a capacity to represent oneself. Accordingly, it is generally understood that any account of the sort of basic autonomy we are concerned with here will “imply that most adults who are not suffering from debilitating pathologies or are under oppressive and constricting conditions will be autonomous” (Christman 2011).

It should be said however, that although we are presenting autonomy in a somewhat binary manner, this is more in order to set the rough parameters and get at what it is most people need at minimum whilst seeking to improve our understanding of action. For, recognising that there are degrees of autonomy should not contradict the task here of determining some basic threshold, nor should it make redundant the task of setting the parameters in order to better clarify what is assumed by moral theory of action. Indeed, this search for a minimum threshold correlates with the legal perspective on autonomy; where, whilst there are seen to be degrees of autonomy there is also a minimum level, below which an individual is said to be unable to be held as a moral actor who can be held to account. Legally then, as with our framework, there is a threshold of natural competence which denotes the minimal relevant capacity for a given task, “used in stipulations of necessary and sufficient conditions for the sovereign right of

self-government ascribed to individuals” (Feinberg 1986, p30). Above the threshold however, “the autonomy that is defined in terms of those capacities is also a property admitting of ‘more’ and ‘less’” (ibid.). This is not to say that once someone has reached the threshold that she will act wisely or well, but that she can be understood as a moral actor and subject to a normative framework. So, the argument here is that whilst autonomy is something that is possessed by degree (both below the threshold and above it), we can still identify a minimum level, under which we can say someone is not capable of being a moral *actor*.

Ian Carter’s concepts of ‘range property’ and ‘scalar property’ might help frame this way of thinking about autonomy. According to Carter, a “*range property* is a binary property: it is either possessed or not possessed” (Carter 2011, p548). He gives the example of equality as a range property, but we might describe autonomy in this way. Indeed, this is in line with the Rawlsian view that the property of being a moral person is a range property (ibid., p549). Carter notes that possessing a range property relies upon possessing “some other, scalar property, within a specified range” (ibid., p548). We might describe the constituent needs of autonomy as scalar properties. So, from what we have established above, psychological capacities and physical conditions would be scalar and could be possessed to different degrees. Carter notes that whilst there would be interpersonal variations in the “*the basis of the basis*” of the range property (autonomy here), these variations are unimportant “as long as such variations occur above the established minimum threshold” (Carter 2011, p548-9). Thus, we might summarise our framework of autonomy as follows: (basic moral) autonomy, as defined above, is not possessed equally by everyone (according to the different ranges in constituent needs) but a minimum level of it is needed equally.

4.2 Autonomy as Non-Rationalistic

Whilst we may be clearer now that autonomy is not a complete idea, but one that articulates a matter of degree where there is a minimum threshold, there still remain however a number of issues to address in terms of how autonomy has been characterised here. Firstly, stemming from worries about our responsibility-oriented conception of autonomy some theorists might argue that the discussion of autonomy here has centred on an overly rationalistic model (e.g.

Dworkin 1988; Lindley 1986). Some theorists would query why we should privilege rationality in identifying the character of autonomy and why not emotions and affective connections particularly given the obvious role of these in human feelings of obligation (e.g. Williams 1985). David Hume, for instance, argued that passions and inclinations must be central to any theory of autonomy, for “reason alone can never be a motive to any action of the will [...] it can never oppose passion in the direction of the will” (Hume 1739, p413). These theorists argue that a Kantian understanding of the moral actor as a rationaliser ignores the role of the passions, which are not just subjects of moral judgements to be guided by rationality and the moral law but constitutive of those judgments.

Now whilst it is true that rationality here has been seen as a central condition of autonomy, the discussion above should have also made clear that rationality is not the only condition emphasised. For, whilst deriving our notion of autonomy from the Kantian dualistic model¹¹, we are emphasising traits other than just pure rationality (understood in a narrow sense). Not only is there an equal emphasis on the *physiological* element in relation to control, but also the psychological side of autonomy is understood as broader than pure rationality and inclusive of a more diverse set of capacities, articulated by the notions of competence and control.

Whilst it may be obvious, we should also be careful to distinguish between having rational competence as a condition of autonomy and having mental prowess (such as intelligence or heightened reasoning skills). What we are talking about here then is a collection of conditions when realised to a minimal extent will imply the existence of autonomy; when a being has not achieved such conditions it is not a matter of them being unintelligent or irrational but a non-morally autonomous being. As Feinberg puts it, “a genuinely incompetent being, below the threshold, is incapable of making even foolish, unwise, reckless, or perverse choices. Jellyfish, magnolia trees, rocks, newborn infants, lunatics, and irrevocably comatose former ‘persons’, if granted the right to make their own decisions, would be incapable of making even “stupid”

¹¹ Indeed, it is worth mentioning here that what Kant himself says about autonomy is somewhat ambiguous. Whilst the centrality within Kant’s moral framework of it as a concept is clear, as Thomas E. Hill points out, his discussion of it “is not only deep and richly suggestive but also incomplete, ambiguous, and (at times) opaque” (Hill 1989, p91).

choices” (Feinberg 1989, p30). Feinberg aptly notes that “being stupid, no less than being wise, is the sole prerogative of the threshold competent” (ibid.).

Moreover, from the little we have said about the specific characteristics of autonomy and its constitutive conditions, it seems by no means to be the case that those conditions are either passionless in their *identification* or in their *realisation*. Indeed, with reference to the latter, it is implausible to imagine that autonomy could be realised without the appropriate emotional and affective support. This point actually raises another issue perhaps implicit in the critique itself; that is, the role of the social and familial context. In so doing, it draws on other prominent critiques offered by those who see it as mistaken to attempt to assign autonomy to individuals without essential reference to social and historical context. This critique can come in a number of forms but there are two that we might consider here: the first concerns the social and external circumstances in defining the extent that a person can be held autonomous and is often articulated from a ‘relational’ perspective originating in feminist concerns; the second derives from the broadly and ill-defined ‘communitarian’ critique, where the self is seen to be inherently and inextricably oriented within community and culture, and a conception of autonomy – and freedom – such as ours above unsatisfactorily ignores this.

4.3 Autonomy as Relational

Although the ‘relational autonomy’ perspective describes a diverse and broad set of views which all emphasise autonomy as a relational concept and the social context of the self, Catriona Mackenzie has defined it as having two key characteristics. Firstly, the belief that an “adequate theory of autonomy must be based on recognition of the ways in which, as *agents*, our practical identities and value commitments are constituted in and by our interpersonal relationships and social environment” and secondly, “that autonomy is itself a socially constituted capacity, and because of this its development and exercise can be impaired by abusive or oppressive interpersonal relationships and by social and political environments characterized by oppression, injustice, and inequality” (Mackenzie 2008, p519). So, on the one hand, these theorists argue that there is a *causal relational aspect* to autonomy, i.e. that social institutions such as family and society are integral to the realisation of autonomy. On the

other, they argue that there also exists a *conceptually relational aspect* to autonomy, where the values and concepts of the self are made possible through social organisation. There are substantive and procedural accounts of relational autonomy, and while both would critique the a-social individual used to derive autonomy here, it is those who subscribe to a substantive account who have issues with the value-neutral character of our autonomy.

Marina Oshana (1998, 2003) for example, whilst acknowledging that procedural accounts of autonomy can accommodate a number of feminist concerns critiques them on the grounds that they do not recognise and remedy the role of unequal power relationships (often between men and women) in social interaction in their attribution of autonomy. For Oshana, “autonomy precludes a socio-relational status that subordinates an agent to the will of others and thereby constrains her future choices” (Mackenzie 2008, p521). She argues, for example, that any woman who has embraced the type of scriptures imposed by the Taliban cannot be considered autonomous; “her lack of autonomy is determined by what this dependency entails for her in her daily life, and the respect of others does not compensate for this loss” (Oshana 2003, p105). Moreover, Oshana argues, strictly internalist accounts of autonomy – those that judge autonomy on those aspects internal to the individual, rather than external circumstance – fail to account properly for subordination, enslavement and many other external forces inhibition autonomous action.

There are a few things to say in response to this substantive relational critique of autonomy. The first is that whilst the form of autonomy described above concentrates on internal control, the second basic need, freedom from external control, is concerned with accounting for the role of external arbitrary domination in inhibiting moral action. Indeed, the discussion of coercion, deception and compulsion above acknowledges the importance of recognising the potential role of external power – physical and psychological – in manipulating an individual’s action; that is, the potential for her to be conceived of as a free purposive actor held responsible for her actions. The notions of coercion and deception also articulate a *relational positioning* between people, where the coercer or deceiver have dominance over the coerced/deceived and as such describe the type of the unequal power relations that autonomy theorists are concerned with. As O’Neill points out, coercion and deception work on the basis

of unequal power between people, where the powerlessness and vulnerability that makes someone open to coercion and deception, are the *reciprocals* of other people's power (O'Neill 1991, p303). As such the emphasis on this aspect of action should be able to accommodate some of the issues raised by theorists such as Mackenzie and Oshana. Moreover, in terms of the more general concern about the contended a-social nature of the basic needs here, we might note that the removal of external control is extremely hard to maintain without appropriate societal structures, where it will require social and political frameworks to protect the individual from external compulsion, deception and coercion through arbitrary domination. These external conditions of action create certain claims on the parameters of what type of social context is appropriate, that is a relatively specified form of social, political and economically organised society. Indeed, it is not only the basic need for freedom from external control that requires an extensive socially-based response; as noted above, the basic need for autonomy necessitates the existence of a developed social framework of response, both in terms of its psychological (e.g. social interaction, welfare, education, mental health support) and physiological (e.g. sanitation, clean water, food, medical shelter and clothing) dimensions. Not only is the social context a likely relevant aspect of individual autonomy but our understanding of it here *entails and articulates* a necessary role for it.

Moreover, through its dualistic framework, the autonomy identified combines a more holistic understanding of what is required for action where the positive capacity for mental action and physical action through freedom from physical constraint inhibiting that action, is accounted for. Whilst the conditions demanded by moral autonomy here do not go as far as insisting upon social equality, it is not clear that this is necessary since it is not a full concept of 'personal autonomy' that we have been looking to develop (see §1.1 above). As noted at the outset, what we are interested in here is establishing a notion of moral autonomy: autonomy that describes what it is that an individual needs to possess in order to be morally accountable, or which constitutive needs must be unfulfilled in order to be excused for doing something. The relevance of the distinction between personal and moral autonomy in addressing substantive relational critiques can be further seen through such theorists' understanding of how relationships impact upon autonomy. For example, Diana Tietjens Meyers distinguishes five forms of autonomy and makes clear from her discussion of the dimensions that she is

interested in personal rather than moral autonomy; arguing that relational autonomy, for example, will be “incalculably enriched” by relationships (Meyers 2005, p30). Moreover, Oshana’s substantive view of autonomy – in its making evaluations on the content of values chosen and using these to judge the existence of autonomy – would be inappropriate for the minimalist goals surrounding action that are demanded here. As Andrea C. Westlund remarks, such substantive accounts are suspicious in their “implying a suspect perfectionism about the human good, requiring that agents stand in idealized, egalitarian relations with one another in order to count as autonomous” (Westlund 2009, p28).

4.4 The Socially Motivated Self

The distinction between procedural and substantive accounts of autonomy is also fundamental in replying to a broader critique offered by a number of feminist theorists with regard to the role of the social in realising autonomy (e.g. Chodorow 1978, 1985; Gilligan 1982; Keller 1985; Meyers 1989; Nedelsky 1989; Code 1990; Benhabib 1992). These theorists share the concern that a prioritisation of autonomy emphasises and reinforces unrealistic and undesirable traits of the individual, traits that are based on an overly masculine model of the person. They have argued that an individualistic conception of autonomy “is starkly at odds with many women’s experience, as well as the norms of femininity”, for example being devoted to caring for others and the formation of key care-related relationships such as those with a child or partner (Barclay 2000, p59). Feminist thinkers such as Carol Gilligan (1982) and Eva Feder Kittay and Meyers (1987) have argued that the capacity to care and be concerned for others has shaped people as much as self-interest has, and accordingly autonomy needs to account for this form of identity to emphasise the notion of care. Nancy Chodorow (1985) also argues that the female role as a caretaker has been key; where “gendered selfhood as we know it is due to childrearing practices in which the primary caretakers of all children are women” (Friedman 1997, p43). It is not just the notion of care that feminist critics of individualistic autonomy have emphasised. More broadly, they have been concerned with the inherently social nature of the human, articulating notions of solidarity and interdependence (Nedelsky 1989; Code 1991). For example, Lorraine Code emphasises the role of cooperation, interdependence and community ties in the identity of the self, in parallel noting how such features are commonly thought to

undermine the notion of autonomy (Code 1991, p80). Code rejects the liberal autonomous 'man' who is assumed to be "self-sufficient, independent, and self-reliant, a self-realising individual who directs his efforts toward maximising his personal gains" (ibid., p77).

As mentioned, the procedural/substantive distinction (emphasised by many, e.g. Haworth 1986; Hill 1987; Dworkin 1988; Friedman 1997) might help here in response to these critics. For, the point with a procedural account is that it insists upon independence in the procedure of carrying out an autonomous act but not at the substantive level. That is, a substantively autonomous account might insist on a more self-sufficient a-socially oriented individual who leads a life of full independence from others. This is not the case with the kind of proceduralist account of basic autonomy being argued for here; instead, the autonomy in question is a *preliminary* one, it is a condition (along with freedom) for action that makes no claims about substantive notions of independence. So, as Linda Barclay notes, whilst "a person's choices must be procedurally independent [...] there is no requirement that one make any particular substantive choices – such as to live independently of others as possible or to eschew commitments" (Barclay 2000, p60). It is, therefore consistent that a procedurally autonomous person will be motivated by forces of solidarity or attachment (ibid.).

We should be clear then to distinguish between an autonomous actor and someone leading a wholly autonomous life in the fuller sense. As Thomas E. Hill puts it, autonomy "is part of an ideal for moral legislation, or general debate about moral principles and values; it is not a recommended way of life" (Hill 1987, p131). Like in our account above, Hill provides a modified Kantian account of autonomy, arguing that autonomy can be conceived of as impartiality in the review and justification of moral principles and values; where a person has the capacity to review, reflect and decide upon normative principles and whether or how they might need qualification (ibid.). As Hill points out, this does not assert that "basic moral principles are grounded in pure reason, independent of all contingent features of human nature, that they admit no exception, or that they command only our wills and not our feelings" (ibid., p133). In other words, the argument does not say that "self-sufficiency is better than dependence, or that the emotional detachment of a judge is better than the compassion of a lover" (ibid.). Instead, what autonomy attempts to articulate here is, not a simple absence of social influence

but the capacity to *respond* to the social and critique it. Will Kymlicka makes the same argument when he observes that when we judge social practice and cultural structure we do not rid ourselves of all our ends and purposes at once starting from nothing, instead we reflect upon and review some of our commitments at different times (Kymlicka 2002, p223-4).

Not only then do these feminist critiques seem to misconstrue the relationship between the social and the individual in neo-Kantian conceptions of autonomy such as ours, but, as Marilyn Friedman points out, there is also an underlying tendency towards a self-conflicted appraisal of autonomy in much of the type of feminist thinking outlined above (e.g. Code 1991; Keller 1985; Nedelsky 1989). That is, “between thinking that personal relationships are necessary to the realization of autonomy, on the one hand, and thinking that they can be definite hindrances to its realisation, on the other” (Friedman 1997, p46). For example, whilst Evelyn Fox Keller argues that there exists an inevitable tension between the idea of autonomy and other traits such as love, separation, aggression or intimacy, this tension does not represent a bifurcation and argues that there is no mutual exclusivity between them (Keller 1985, pp112-13). Likewise, although Jennifer Nedelsky observes a “real and enduring tension between the individual and the collective”, there is nevertheless “a social component built into the meaning of autonomy” (Nedelsky 1989, p21-36). Also, Code admits that in some instances values based in autonomy might be a better guide to practical deliberation than values such as kindness, care and trust, traditionally seen to be female (Code 1991, p108). These self-conflicted appraisals of autonomy might be seen as showing the possibility of reconciling feminist concerns of the socially motivated self and an individual-oriented conception of autonomy. Overall then, in terms of the socially motivated self and the role of society in realising autonomy, there seems no reason to suppose an incompatibility.

4.5 Communitarian Critique

So far, we have mainly addressed those critiques that highlight the role of the social in the realisation of autonomy particularly with reference to specific feminist concerns and have tried to show how our account of autonomy is compatible with a socially motivated self. However, another aspect of this critique targets the overly individualistic model from which we derive

our notion of action generally and instead emphasises the role of the community in determining our ends. Thus, for these theorists it is not just a matter of involving the social in responding to the two basic needs of action but also the role of the social in the possibility of deriving a notion of action or morality at all. Those that share this community-oriented perspective often draw on the works of Aristotle and Hegel and delineate the contours of the general position by starting with a critique of abstracted methods of theorising about questions of justice, and ending with varying forms of rejection of the type of moral principles that result from such reasoning: universal and impartial principles. They express concern with placing an atomised individual at the centre of the formulation of action and argue that any attempt to conceive of the individual in a non-contextualised, a-societal and unitary way is misguided. These theorists deny the possibility of a person conceived as a self prior to its socially defined relations and given roles, and consider the Kantian perspective as constituting a false view of the world. Correlatively, these thinkers would object to our aim of identifying universal basic human needs, and using this a-historical concept to evaluate current political and social frameworks of justice. There are a number of theorists (e.g. Taylor 1989, 1992; MacIntyre 1985; Dworkin 1988; Elshtain 2008) who critique the a-contextualised, a-historical nature of the type of autonomy presented here, but one of the most prominent thinkers within this strand of thought and who deals specifically with the formulation of ethical principles is Michael Sandel. Accordingly, it might be useful to concentrate on his critique in order to address this form of community-oriented argument and its concern with how we have conceptualised action (through freedom and autonomy) and the self in the development of our basic needs above.

Sandel argues that the individual's horizons and interests are constituted by their social context, a context that fundamentally plays a decisive role in the definition of the individual's very identity. For citizens, the community describes "not just what they *have* as fellow citizens but also what they *are*, not a relationship they choose (as in a voluntary association) but an attachment they discover, not merely an attribute but a constituent of their identity" (Sandel 1982, p150). In Sandel's understanding, the individual lacks an individuated identity from her community essential to moral reasoning and action. Accordingly, it is therefore invalid to conceive of persons as constituted prior to and independent of the political community that

they comprise; for, such a conception of a person is inadequate and metaphysically flawed in that “to imagine a person incapable of constitutive attachments such as these is not to conceive an ideally free and rational agent, but to imagine a person wholly without character, without moral depth” (Sandel 1984, p90).

Notably, the way in which Sandel conceives of this individual means that seeking principles of justice in his framework involves a ‘cognitivist’ process. Contrary to a “voluntarist account” in which the principles of justice formulated by the concerned parties is arrived at through an act of choice. In Sandel’s account instead of *choosing*, individuals with their socially constituted identities “discover” principles of justice within the context of their traditions, practices and systems (Sandel 1982, p121). This notion reflects the idea that our identities as nationals, or members of a society, or part of a family, or as subjects of a monarchy, the attachments and allegiances we adopt very often come from circumstance and background rather than as a result of rational choosing (ibid., p179). As Daniel Bell describes it, “I didn't choose to love my mother and father, to care about the neighborhood in which I grew up, to have special feelings for the people of my country, and it is difficult to understand why anyone would think I have chosen these attachments, or that I ought to have done so” (Bell 2005, p225).

Thus, Sandel argues that theories such as ours here (and specifically liberal theories such as Rawls’s) misidentify what is important to the individual within a moral framework; in contrast to the notion that it is the capacity to *choose* our aims that matter, it is instead the *aims* themselves that matter (Sandel 1982, p59). This is problematic for the centrality of our autonomy; according to Sandel, without conceiving of the individual within the context of her aims and attachments, agency and self-knowledge is impossible since the unencumbered person is “incapable of knowledge in any serious sense [...] essentially dispossessed, no person is left for *self*-reflection to reflect upon” (ibid., p179). However, the problem here is that surely morality and normative action relate to the types of attachments we *make*; and whilst Sandel may be correct to point out the numerous and various attachments inevitable for the individual and central to her identity, this is not the same as making a case for their being *morally justifiable*. His point is that we cannot create principles of justice independently of recognising constitutive attachments, yet this cognitive choice model ultimately conflates

actual attachments with morally justifiable ones. Where, as we saw above, voluntariness is crucial is in its giving a *possibility* of choice and the correlative responsibility, without which it is hard to see how we are to create a morally critical realm at all. The importance comes from having the capacity to reflect on the attachments we have even if we choose to accept them.

Moreover, Sandel has to show that the type of attachments he sees as central to the individual cannot be disentangled from her without impairing or negating the individual herself. Yet, this type of assessment surely lies at least in part, within the realms of psychology, for, without a proper understanding of the person in relation to the community it is hard to see how Sandel can identify the precise types of attachments he is talking about. Without some parameters to these attachments he will be left with a framework of moral action that is so cognitivist that it is merely a reflection of historical and social causes on the person and as such cannot be called normative at all. By conceiving of the individual and her concept of the good as so inseparable, Sandel runs the risk of rendering the person to complete determinism. This threat of determinism might be alleviated depending on what we understand Sandel's cognitivist model in its descriptive aspirations to be claiming. For, if Sandel, through his cognitivist account, is making the claim that the self is so entrenched, so constituted by her socially determined ends that she cannot consider or discard them, this seems patently false for there are countless examples that will show individuals who have rejected the socially shared values of their community outright (the estimated 14,000 North Korean defectors since 1953 might be one such example). On the other hand, if Sandel is making the weaker claim that in being constituted by our shared ends, our autonomy is always going to be interposed by the community to some extent then his account does not clearly undermine our version of the autonomous individual for as noted above, we should be reluctant to claim that the process of achieving autonomy will start from nowhere and be free of social influence.

The aim of the framework of moral action derived above by contrast is to provide enough autonomy, acknowledging the social but not contingent upon it, to debate the concept of the good as not solely determined by one's social context. Indeed, whilst the social is integral to the autonomy described here insofar as it is central to realising autonomy, in emphasising a

minimalist notion of what action entails the hope is that the context of the individual becomes less fundamental or influential.

4.6 The Two Basic Needs and the Problem of Exclusion

What has come out of a number of the critiques looked at just now is the potential danger of our using an overly specified conception of action (through autonomy and freedom). It could be suggested, that in trying to formulate an understanding of autonomy and freedom as universal conditions (i.e. as moral premises) we suffer from the practical consequence of exclusion. Hamilton contends that in trying to formulate a universal condition that is the prerequisite of moral action, our result is “the universalisation of a particular manifestation of western thought that by definition excludes a whole swathe of actually existing, that is, functioning, persons” (Hamilton 2003, p49). What Hamilton is arguing is that those who fail to have the basic needs we see as prior to moral action met, are effectively excluded from our theory. Correlatively, there is also a worrying danger of being understood to present a paternalistic theory that infantilises those without autonomy and freedom to a state of primal existence only. For, an obvious problem with stating that all people have basic needs which have to be met before they can act is that those who manage some form of action without their needs met are not accounted for, or worse relegated to the position of beings without agency. It is important not to do an injustice to those people whose basic needs have not been met, by treating their state of being as something to be cured or ameliorated. An example of this problem might be a slave, someone who has not had the basic need for freedom from external control met, and who is not capable of moral action according to our premise. Yet we would be most reluctant to say that if she expressed a will to free herself that this could not be understood as representative of an actor’s true intention. There seems to be a dilemma here; either one condemns a slave as being incapable of action, as our theory has implicitly, and *on this very basis* argue that the situation of enslavement is wrong and therefore should be remedied. Or, at the price of not being paternalistic and giving agency to a slave, one could argue that slaves are capable of moral action, whilst being left with less convincing grounds for condemning their situation and arguing that they are free (*cf.* Berlin’s “retreat into the inner citadel” (1968, pp125-26) and Christman (1991)).

However, what is important to remember here is that we are interested in *moral* action, insofar as someone is considered subject to a normative framework. Accordingly, we defined the requirement of action in terms of how responsibility can be attributed. So, in terms of the slave example, whilst she may be compelled to behave in certain ways through compulsion or coercion, this cannot be conceived of as morally attributable action as we have understood it. The discussion of responsibility and freedom above highlighted this, where we saw that when an individual is coerced, deceived or compelled there is a loss of moral responsibility which *follows directly from the loss in their capacity to direct their own action*; accordingly they are subject neither to excuse or justification “since there is *no action* to be justified or excused” (Holt 2007, p107, emphasis added). It is not then, that the framework presented here declares a slave as a non-person, but it sees them as someone who cannot act in a way that can be morally accountable; the slave is both justified and excused for the behaviour they undertake through compulsion or coercion. *Justification* in acquiescing to coercion and *excuse* for activities performed under coercion are the two ways in which an individual’s responsibility has traditionally been thought to be truncated or attenuated due to coercion (Anderson 2011). Likewise, in situations where autonomy has not been realised, through starvation or severe ill-health, the same lack of moral action will be accorded. It is a matter of expectation and it seems fair to say that those in a state of true deprivation, who are starving or injured, completely ignorant of opportunity or un-free cannot be *expected* to act in ways that are subject to moral evaluation.

It is also important to point out that the framework being suggested here is an ideal one in so far as we start with an understanding of human nature as grounded in physiology and psychology and develop the capacities needed to act. Within the realm of the ideal, the aim has been to identify and articulate the idea that there *are* requirements – that might vary between people and context – which are necessary to act. We then wanted to give a general picture of what these will look like on the whole, whilst at the same time admitting that although we may list, for example, absence of severe disease and injury as a constituent need of autonomy that there might be unique individual cases in the non-ideal world where even the most extreme version of severe disease or injury does not inhibit autonomy for some

reason. The aim overall has been to create an ideal guiding principle of moral action rather than a principle which is applicable to every case of need and autonomous expression. And, whilst the need for autonomy and freedom from external control will remain consistent (in their derivation from logical argument) the specific needs identified as constituting these two basic needs, particularly that of autonomy, have to be subject to revision, as science and people change over time.

SUMMARY

We began the chapter with an interest in the human as a presupposed actor within the realm of normative theory and observed that although there are countless forms of moral doctrines with opposing conceptions of the good what they all share is the quest to provide principles for moral action and accordingly all assume individual moral action. It was then suggested that the human is not born an actor but instead *needs* certain conditions in order to become one; and through an examination of behaviour, action, and the notion of responsibility, these basically needed conditions were established as being described by the notions of *autonomy* and *freedom from external control*. These basic needs were perceived as necessarily coming prior to any participation in a normative life or a full conceptualisation of justice, where to be moral agents, responsible for our action, in the most minimal of senses the need for (moral) autonomy and freedom from external control must be fulfilled first. And thus, *even in the origins of ethical discourse, basic human needs are formative, necessary and a lexical priority.*

We determined that successful moral action will involve eliminating both *internal* and *external* constraints in order to give the individual internal and external control. Correlatively, we articulated *two stages* of action. The *first*, the need for autonomy, involves certain psychological and physiological conditions to formulate an authored intention. We established that this intention would come about from having both the necessary mental development and the freedom from physiological inhibition of that intent. Thus, we framed the first stage in terms of the concept of autonomy, characterised as basic (as opposed to ideal), moral (as opposed to personal) and as a range property (a concept which relies upon a number of scalar properties, and as such saw it as having a threshold below which moral action was not

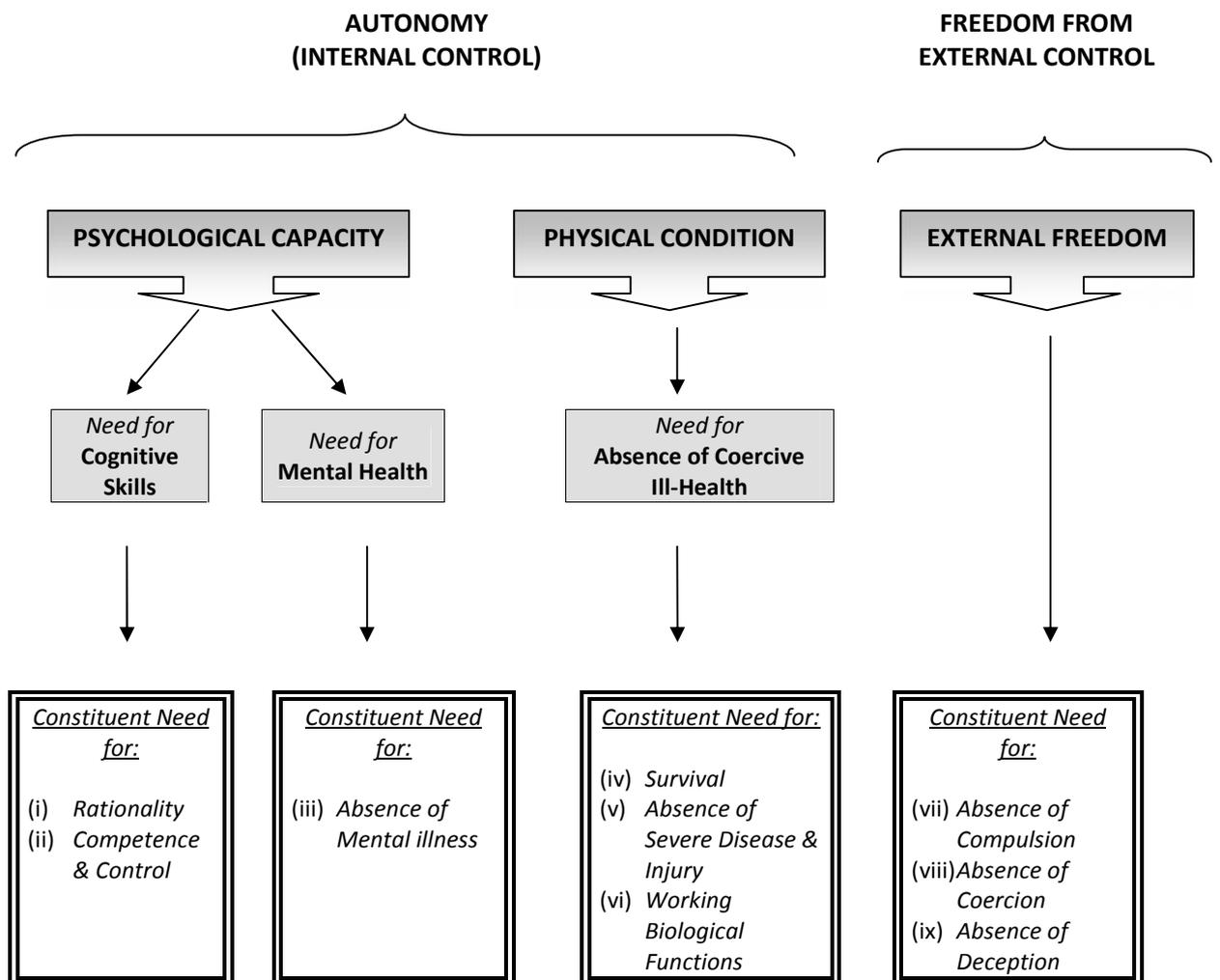
possible). We determined that in order to achieve autonomy, an individual will need to have certain psychological capacities and physiological conditions: (i) rationality; (ii) competence and control; (iii) absence of mental illness; (iv) survival; (v) absence of severe disease & injury; and (vi) working biological functions. The *second* stage of action was understood as the need for freedom from external control: having the freedom from any external barriers compelling, coercing or deceiving one's autonomously formulated intention. That is, in order to achieve freedom from external control one needs an: (vii) absence of compulsion; (viii) absence of coercion; and (ix) absence of deception.

In addressing some of the critiques of autonomy specifically we found that the concept provided a key role for the social, both in how it is understood and in its realisation. When looking at the concept of relational autonomy, we emphasised the role of arbitrary domination and coercion in inhibiting action and confirmed the importance of the basic need for freedom from external control. The importance of freedom from external control, and of internal control (autonomy) in relation to action is nicely summed up by Feinberg, when he says: "I do not govern myself if you overpower me by brute force and wrongfully impose your will on mine, or if illness throws me into a febrile stupor, delirium or coma, or if poverty reduced me to abject dependence on the assistance of others" (Feinberg 1986, p31).

At the outset, we established that we were talking about a dualistic understanding of autonomy that would stress both the mental and physiological dimensions. Crucially, here we have taken autonomy and freedom to denote the *a priori* conditions necessary for the humans to cognise, choose and, ultimately, *act*. The significant reasoning behind this is the idea that '*ought*' implies '*can*' both physically and mentally. Thus, the moral nature of autonomy and freedom is critical in that it elicits a responsibility and independence from an actor as well as guaranteeing the existence of that actor's capacity for action. Having determined autonomy and freedom from external control as the two basic needs of human action, what is necessary to do now is to develop further what we mean by the notion of a 'basic need'. As noted at the end of section [3] above, we need to clarify what the characteristics are that we are ascribing when using the notion of a 'basic need' to describe the conditions of autonomy and freedom, how their being conceptualised in terms of needs is both coherent and practicable and how the

framework of need in general relates to our theory of action. We should turn to this task in a moment. Before going on to do so however, for the purpose of clarity it might be useful to depict what has been established in this chapter through a diagram. This might have the function of helping summarise understanding of the two basic needs here and their constituent parts.

Diagram depicting the components of action: defined by the basic need for autonomy and for freedom from external control, and their constituent needs.



CHAPTER 2

The Character and Logical Force of Basic Needs

INTRODUCTION

In the last chapter we established the qualities of autonomy and freedom (from external control) as two goods necessary for humans to *act*, to be subjects to any normative framework. Throughout the chapter, we described these two goods, and their constituents, as representing *basic needs* for action. That is, conditions required by the very make-up of the human and the nature of action, and as such inescapable and inevitable. The concept of ‘need’ is a tricky one with which to deal however, a fact that may account for it being unpopular in the normative discourse of philosophy and IPT in general (Reader 2005, p1). The concept can be considered potentially problematic due to the fact that the word ‘need’ is used in common language in various and differing ways – something that might be seen as indicative of its opaque meaning and potential capacity to be both evaluative and normative, where it has a status somewhere in between empirical fact and prescriptive action. As Ross Fitzgerald describes it, the notion of need represents a form of *necessity* but the problem with it is that it is not always clear what kind, for example whether: logical and analytic, empirical, factual, or normative (Fitzgerald 1977, p196). Although this type of confusion could be understood to be indicative of the precise appeal of need, representing its uniqueness and strength, it is necessary here to pick apart various ways in which need, in its most basic form, can be differentiated from other more developed needs in order to investigate the form of necessity we are talking about. The goal will be to reveal in what way a basic need is normatively meaningful and to develop the precise character of the basic need we are talking about here. Accordingly, the task of this chapter will be to clarify and elucidate upon what it is we are saying when we describe autonomy and freedom as *basic needs*. We shall pursue this task by looking at our basic needs within the context of traditional basic need theory (specifically in relation to instrumentality and harm) as

well as considering needs in their opposition to wants and desires, with a particular emphasis on the notions of control and volition. The hope is to end the chapter having determined the characteristics that we are attributing to the conditions of autonomy and freedom by conceptualising them as basic needs and the strengths of doing so. This task should concurrently have the benefit of showing why need is an apposite concept to be using in terms of autonomy and freedom in the first place, this will be useful since some may argue that conditions such as autonomy and freedom, intuitively do not seem like something we would describe as basic needs normally.

1. VOLITION, CONTROL AND NECESSITY: THE INSTRUMENTALITY, INESCAPABILITY & ENTRENCHMENT OF BASIC NEEDS

1.1 Logical Necessity and the Characteristic of Instrumentality

For those who are familiar with mainstream basic need theory (see e.g. Miller 1976; Brock 1984; Thomson 1987; Wiggins 1987), the choice here to describe autonomy and freedom as two basic needs might at first seem counter-intuitive. This is for a couple of reasons. Firstly, basic needs are usually taken to be absolute; i.e. they are not seen as instrumental for another purpose but instead expressions of complete statements in themselves. So, for example when expressing a basic need, 'I need x' is seen as fully intelligible and a complete statement where there is no requirement to specify what 'x' is for. Basic need theorists see this non-instrumentality (or absoluteness) as representative of a basic need's normative force. They base this assertion of non-instrumentality on the idea that the particular end – usually harm avoidance or well-being – to which a basic need refers is already fixed and not stated since that end is already defined in the particular meaning of the word *need* itself. In other words, it is not necessary to state what a non-instrumental need is for since it is semantically present; the entreaty to harm-avoidance is made "simply by virtue of what is carried along by this sense of the word itself, and not in virtue of context" (Wiggins & Dermen 1987, p64). The second reason why freedom and autonomy may seem ineligible to count as basic needs according to traditional need-theory has just been highlighted: *harm avoidance* is usually the characteristic that is posited as being contained in the need itself and giving that need its normative claim.

Accordingly the tendency is to take the notion of harm as categorically bad and conclude that basic needs are thus absolute and normatively forceful in their necessity to avoid it.

However, as should be clear from the premise and findings of our first chapter this project takes basic needs neither to be non-instrumental nor to relate to harm avoidance in any meaning-dependent way. Hence the potentially counter-intuitive nature of our describing autonomy and freedom as basic needs. The argument being put forward here is that whilst basic needs might be conceived as non-instrumental in so far as their legitimacy is presupposed by the requirements of moral law making – where, to exist as a human and make any choice about other ends, one has certain basic needs which have to be fulfilled – they are instrumental in so far as they exist *only if* one is interested in articulating, formulating or even conceiving of moral rules in the first place (that however, seems to be quite a widely-held interest). However, in contrast to what might be supposed, this instrumentality does not undermine the urgency of the basic needs as understood here; indeed, the notion that a need can ever be non-instrumental is suspect for a number of reasons that there is not space to go into here (instead see Minogue 1963; Hare 1969; Dearden 1972; White 1971; Fitzgerald 1977; Flew 1977; Barry 1990; Jones 1994). The fact is, if one takes the end goal as morally important the need that exists in order to help bring it about is *a logical necessity*, where the goal is *unrealisable without it*. That is, basic needs in themselves are powerful since they are *indispensible conditions* for the attainment of the goal that we have specified (action); so if that goal can be shown to be of fundamental and primary importance, then the needs themselves are equally so. So, for example, with our needs for autonomy and freedom: although it is possible for someone not to need autonomy and freedom, if they are to be a moral actor or subject to any moral framework, autonomy and freedom will be necessary. In order for a person to enter into or create any moral framework at all, certain psychological and physiological conditions will have to be realised first, our conception of basic needs are those that are necessary for a being to become an actor, to be able to articulate a moral framework and be accountable within a given moral framework. In other words basic needs here are conditions where the satisfaction of which “is a necessary condition for human agency” (Brock 2005, p62). As the first chapter showed, autonomy and freedom describe two necessary conditions that are constituted by psychological and physiological characteristics that express

human finitude and vulnerability and intimately relate to the capacity for control and responsibility. In this sense, they tie much more closely with the traditional conceptions of basic needs; the difference only that their urgency and normative claim has been defined not in terms of explicit harm-avoidance but in terms of enabling normative action within the context of human limitation.

1.2 Non-Volition and the Characteristic of Inescapability

In terms of the instrumentality of our basic needs what should be remembered is that the question over whether or not basic need statements by nature are elliptical, is distinct from the question of whether basic needs, “like hypothetical imperatives, depend upon the adoption of some purpose” (Griffin 1986, p42). For, as James Griffin points out, what is key is that whilst our basic needs may share the elliptical nature of non-basic needs, that ellipsis is not determined by ends we *choose* to pursue; since the adoption of any such ends can only come about *after* the two basic needs have been met. This fact reintroduces the role of volition and control discussed in the last chapter, where control is central to attributing action to an agent, and volition is seen as possible only once control has been achieved. Those needs that arise outside of choice or control, but central to gaining control (i.e. autonomy and freedom) will have to be conceived of as expressing something of unique moral significance. It is this unique and central placement that means these needs are basic and primary.

The role of volition then is crucial when it comes to developing a notion of basic need; and in terms of basic needs is often expressed through the notion of *inescapability*. The inescapability of a need articulates the notion that where that need is concerned it will be meaningless to ask whether we *should* have the need, since its existence is *beyond our control*. In other words, it is part of a category of needs that never were and never will be subject to our control (Brock 1984; Frankfurt 1984). The feature of inescapability of basic needs is not accidental, instead this “feature is essential to the way the concept of a fundamental need functions as a value in reasoning” (Thomson 1987, p27). For example, we might undermine the logical necessity and force of a need by revealing “that it is dependent on conditions that ought not to obtain”; by

contrast however, with an *inescapable* need, any such undermining is impossible by definition (Thomson 2005, p176).

This element of inescapability helps reveal the intimate relationship between a basic need and a person's nature; the end-state for which the needs make claims is defined by the essential character of the claimant. It is central to the understanding we have of basic needs in the project as a whole, through their representing human finitude and the fact that control and volition can only come about once these basic needs are met. Indeed, part of what underlies the argument in the thesis's premise is the notion that 'ought implies can', that is, in order for an *ought* – a moral imperative – to apply to anyone they have to be accountable for their actions, freed from the constraints of basic needs they have to be surviving and morally autonomous. The 'can' comes before the 'ought' therefore. The notion of inescapable needs mirrors this notion of an ought only being meaningful in the context of choice and capacity. As Garrett Thomson notes, "'ought' implies 'can' and, therefore, 'cannot' implies 'ought not'". There can be no question of whether one ought or ought not to have the inescapable needs one has" (Thomson 2005, p176).

1.3 Needs Conflated with Wants and the Charge of Paternalism

The notion of inescapability and its dichotomous relationship with volition helps us introduce a number of further definitional characteristics we can ascribe to the concept of a basic need, particularly when viewing it in opposition to the volitional concept of 'want'. Indeed, one of the main problems with the term 'need' is that it is used in various situations as a simile for phenomena such as wants or desires; significantly it is often employed in such situations due to an underlying recognition that it carries with it some form of compelling necessity that an expression of desire or want does not. Indeed, it has been argued that in contrast to wanting, to claim that a thing is needed is normally taken to represent a claim of "an altogether different quality, and to have a substantially greater moral impact, than an assertion that something is *desired*" (Frankfurt 1984, p1).

However, some argue that this attempt to disassociate needs from wants or desires is both misguided and dangerous. In terms of simply being misguided, many, observing the grammatical affinity between needs and wants, doubt the normative relevance of a basic need by arguing that a need is just an expression of a strong form of want (e.g. Hare 1969; Macpherson 1977; Wiggins & Dermen 1987, p62). R. M. Hare, for example, argues that “there is an intimate logical relation between what is needed and what is desired” and in as much, we could often aver that when something is needed, it is needed as “a necessary condition for satisfying a desire” (Hare 1969, p256). Correlatively, it is argued that needs have no moral content; for if an expression of need exists only to satisfy a particular want, then that need cannot represent something more morally or politically weighty than mere want (Jones 1994, p151). Anthony Flew sees need theories reliant on a disassociation between need and wants as more than misguided but also dangerous in their licence to use the prioritisation of needs to go against the stated desires and wants of people. The problem here then is not only the doubt about the strength of the need claim in the first place, but also, for Flew that need theory is necessarily paternalistic in that it claims to create principles based on people’s needs which do not always correspond to their *wants*. Flew instead argues that there is *always* a logical link between wants and needs and even in (what he sees as rare) cases where there is a need which cannot be revealed by wants, the link is still present and intimate. He argues for the idea that we can only know what people need by understanding their wants, and that any assertions made by experts on others’ needs are increasingly suspect the more they diverge from the wants expressed by those others. Flew is worried by the notion of legislating independently of individuals’ volitions, instead basing authority in Platonic expert guardians whose putative expertise consists “precisely and only in alleged privileged access to the objectives that everyone ought to have” (Flew 1977, p220).

There are a couple of points to be made here. In terms of the needs/wants dilemma; it is not at all clear that we can associate or conflate the notions of ‘need’ and ‘want’ in the way that Flew, Hare, Macpherson (etc.) do; on the contrary, it is in fact possible and necessary to distinguish between the two concepts. Firstly, and quite plainly, the two should be separated in so far as it is possible to need something without desiring or wanting it and vice versa. Significantly, if x is desired and x is identical to y , it does not imply that there will necessarily be a desire for y .

However, in the case of a need for x , that implication *will* hold – in other words, a need for a thing can only hold true so long as anything identical with it is also needed. Furthermore, needs and wants or desires can be contrasted by reference to the individual and time; where wants will differ according to individual preference and perspective, needs will not. That is, we tend to use the concept of need “explicitly or implicitly to refer to a particular category of *goals* which are believed to be *universalisable*” – where it is only those goals described by need which will be connected with human interest in the most fundamental of senses (Doyal & Gough 1991, p39).

Another differentiation between a ‘need’ and a ‘want’ depends on recognising the distinction between the reality of the way the world is and the workings of one’s mind (Wiggins 1987, p6). It is not possible to want something that we are unaware exists, i.e. something that we cannot conceive of. Nevertheless it makes perfect sense to *need* something that we do not know exists. An example of this could be treatment for a fatal disease; such treatment could very well be in existence without one’s knowledge of it, nonetheless that ignorance would not negate one’s need for the treatment if taken ill by the disease in question. Indeed, an expression of want in this case could have the opposite effect to that which Flew intends; where the want or desire of a person goes counter to the requirements of her basic physiological needs¹². Thus, a statement about a ‘need’ in this case is dependent on a fact of reality and not upon what the needing subject knows. This fact gives need statements a type of *objectivity*. Statements about ‘wants’ on the other hand “are intentional and referentially opaque because their truth depends on how a subject of experience looks out on the world” (Doyal & Gough 1991, p42); where desiring something will depend upon an assumption one has about that which one desires, rather than its quality in reality. Where wants are determined by a person’s perspective on the world, needs by contrast will be determined by whether one thing is a necessary for the realisation of another. Similarly, beliefs about what we

¹² An example for this type of situation may be a person who eats a lot of red meat and spinach because she desires such food but who unknowingly has the hereditary disorder of haemochromatosis (a disorder caused by defects in a gene called HFE which causes the body to absorb and store too much iron thereby causing excess iron to build up in the body’s organs eventually causing them much damage). As a consequence of her wants, she is in increased danger of suffering fatal effects and no doctor who only asked her of her desires would be able to diagnose her having the disorder that is exacerbated by her intake of iron. Instead her needs diverge significantly from her wants, the former existing independently of her will and knowledge.

want and might need have no effect on the reality of basic needs since we cannot need *just anything*; rather, natural necessity restricts what a person needs (Ramsay 1992, p15). Where with mere wants, once the belief about such a want has been shown to be false, that want ceases to exist; by contrast with needs, again we appeal to an objective account of universal reality that remains whether or not we change how we feel about particular needs. Supporting this notion that judgements about needs are made from a detached perspective, Griffin describes judgements about human needs as being the same as those about objects, such as elements needing free electrons in order to conduct electricity (Griffin 1986, p4).

1.4 The Characteristic of Entrenchment

The existence of basic needs in reality independent of individual perception might be expressed through the characteristic of entrenchment. At the ontological level, needs can be more or less entrenched; those that are entrenched relate to fixed features of the needing being. One strong form of fixed features is one's biological set-up; with this form of entrenchment, the moral imperative of a need is grounded in biology, and the fact that the laws of nature fix certain needs, such as for food, shelter or water means these biologically determined needs are immutable. Such immutability "is thought to give us better license to claim that the need for water is morally demanding" (Reader 2007, p65). The point here is that there would seem to be certain biological demands we have by virtue of how our minds and bodies work, i.e. those we discussed in the last chapter as constituting the overall need for autonomy and freedom, that need to be addressed imperatively. These features are consistent in that they are determined by nature and not social interaction or convention; "when we say that people have a basic need for food, we mean that it is by virtue of their make-up that they must die without food" (Thomson 1987, p22).

Some might argue however, that merely to see fundamental needs as entrenched by biology and to neglect other socially defined context is to ignore other types of equally important fundamental needs. For instance, Soran Reader asserts there to be 'second-natural' forms of needs that are as morally imperative and essential as more physiological needs; these needs are entrenched not by biology but by the past, habit and social support (Reader 2007, p65).

Reader affirms the role of practices and context, arguing that it is impossible to separate biological needs from the indispensable 'second-natural' form that must be taken by them (ibid.). By consequence, from this perspective it can be argued that the biological framework for need theory is too narrow. Similarly, Amartya Sen has rejected the notion of a theory of basic needs that is concentrated on minimum requirements only (Sen 1984, p515).

The first thing to point out here is that the arguments maintaining that basic needs are more socially entrenched than we have presented them, tend to argue from a perspective that is interested in a more maximal outcome than pure moral agency. Reader, for her part, seems to be interested in a very robust form of well-being that relates to fulfilling all parts of one's life – culturally, socially and professionally. For Sen, the basic needs approach is motivationally linked to the capabilities approach, where meeting basic needs contributes to enhancing current capabilities. By contrast, Sen argues, the *long-term expansion of capabilities* in the future requires economic prosperity (Sen 1984, p515). He sees these two goals in conflict, arguing that a concentration on meeting basic needs undermines economic equality between individuals (ibid.). As should be obvious by now, the interest here in basic needs comes independently of any notions of capabilities, flourishing or conceptions of well-being. Instead, the concern is with moral action. Accordingly, the concern is not an egalitarian one; for, the requirement that a basic need for autonomy and freedom is met does not necessitate economic equality.

Independent of the differences in outcome sought, Reader's theory of second-natural needs constituting basic needs is still problematic. These 'second-natural' needs are linked to the multiple forms of identity she sees individuals to possess, socially constituted identities but immovable all the same; she notes that she is as basically a philosopher as she is as basically a human being (Reader 2007, p65). However, whilst it may well be true that if you are interested in a fuller concept of flourishing or well-being it is vital to take into account the needs of people created by their social setting, their profession and cultural expectations, to then make the leap to saying that in terms of 'basicness' such needs are analogous with the here defined 'basic needs' seems to misuse the notion of 'basic.' Again, we go back to the role of *volition* and *control*; one may well feel that being a philosopher is so integral to a person that it cannot

be relinquished but this type of claim is just not of the same category as the claim that the need for food or water, or all those things central to action, is integral to a person. The difficulty of this position becomes particularly evident when these assertions are then translated into a principle of distribution, whereby a philosopher will demand certain goods to help maintain that identity. Reader's thesis leads to a sort of perplexing determinism, where nobody is responsible for any of their 'needs' (or 'wants' as we would call them according to the distinction made above in §1.3), and whereby the notion of desert is removed altogether from any redistributive scheme.

Moreover, to incorporate a more maximal understanding of 'basic needs' would not only undermine the category as a unique one describing the inescapable non-volitional nature of certain human requirements but would be little use as a tool with which to judge various cultural practices. In other words to admit a less minimalist conception of basic needs would be to undermine the very purpose of using *basic* needs in the first place. Moreover, it should be remembered that the relevance and context of the needs in the first place is social; their normative imperative comes from the conflict we have observed between social expectation in terms of normative action (and responsibility) and the biological (in terms of physiological and psychological) limitations and requirements of the human body. That is, a conflict between expectations of normative theory and the reality of entrenched exigencies of the human being. Furthermore, the response to needs can be socially determined and context specific, so whilst the definition of our basic needs has not been socially entrenched, how the needs are responded to will be.

1.5 Contrived Needs and the Significance of Choice

This discussion of basic needs in contrast to wants, and the entrenched nature of the former, reinforces the importance of voluntariness and choice as pivotal. For, whilst wants and desires can be understood to be expressions of choices themselves, by contrast with needing we are not free to choose our basic needs because they are defined and limited by our psycho-physiological constitution. Indeed, as we saw in our last chapter, basic needs come prior to, and are necessary for, making choices. Regardless of the choices we make, the fact that we

have certain needs will always define us as part of our human essence, and such needs will thus come prior to the formulation of any want or desire we may go on to make. As was discussed in the last chapter, one of the problems that the thesis is trying to address is the situation in which a person's wants will be determined by her needs, for in that instance those wants cannot be conceived convincingly as representative of her true volition. It is necessary to distinguish between wants originating from the desires of an autonomous person and wants created by the limitations of human biology and psychology. A starving person will need food, it will be thus her primary want, and the root of 'want' in this case will be constrained by biological forces and cannot be considered a truly meaningful representation of the person's volitions. For, if she were not hungry – having had her basic needs met – her wants would be different, they would arise as a result of being autonomously and freely intended rather than purely biologically determined. That is, the person's wants would no longer be defined by the non-volitional limitations of demands made by needs and would therefore be *more meaningful, more free*. Indeed, the point here is to give individuals autonomy, i.e. to meet their basic needs, so that they can have wants and desires expressive of their autonomy and unconstrained (by basic needs) volition.

Flew's contention of paternalism in cases where wants go against people's contended needs raises a potential paradox with the claims being made by this first Part of the thesis: that is, the threat of theoretically downgrading certain lives in which their owners choose not to meet the basic needs as specified. For example, whilst it is hoped that the asserted constituent need for survival, as part of autonomy, is uncontentious it does bring with it the paradoxical dilemma of self-sacrifice. Instinctively there seems to be something strange about saying that all humans have a need for survival as part of autonomy whilst acknowledging that some humans are prepared to give up survival for other goals that they see as overriding in importance. For, some see certain goals such as martyrdom or self-sacrifice as more fundamentally important than life itself. However, what we are interested in here is the *preliminary* conditions needed for moral action – i.e. the freedom to create and pursue any moral framework, such as one involving self-sacrifice or martyrdom. In other words, one needs a guarantee of life to be able to give that life up as *one's own choice*. That is why we tend to differentiate between dying and suicide; the former is an occurrence, the latter an *act*.

There are however, on the face of it, other manifestations of ways in which basic needs can be forfeited for a supposedly autonomous purpose. The phenomenon of intentional anorexia brings out a potential disjunction between the psychological and physiological dimensions, where those recognised as anorexics are consistently prioritising psychological needs over their physiological ones. Can we class an anorexic's choices as deformed choices? Well, as should be clear by this stage, the purpose of asserting the basic needs that we have, is to describe the goods necessary for moral action. This does not mean to say that someone who denies themselves the meeting of one or more of these needs is making a deformed choice, merely that they can no longer be described as an autonomous actor (such as an anorexic suffering from starvation).

The existence of the anorexic and martyr also draw attention to a nuance in the role of non-volition attached to our basic needs. As discussed above, the existence of the basic needs in the first place are non-volitional by nature (i.e. stemming from the inevitable conflict between the requirements of moral responsibility and the requirements of the human's inalterable biological and psychological constitution); indeed, the basic need for freedom and autonomy cannot be understood as volitional because *by definition* volitional needs are those created as a consequence of having autonomy and freedom beforehand (without which one cannot act freely). However, as the example of the martyr and anorexic show, once autonomy and freedom have been realised individuals might volitionally bring about situations in which the constituent needs, notably the physiological ones, arise; in other words, they bring about 'contrived' needs (Brock 1984). Accordingly, the element of non-volition determined above is key when looking at the type of needs we are concerned with; where, once the basic (understood as non-volitional) need for autonomy and freedom have been met, an individual can then autonomously and freely decide to relinquish her autonomy and/or freedom, but is then responsible for meeting any new contrived needs that should arise. Of course, it will not be easy to always identify when needs have been volitionally brought about, but the aim here is to set the theoretical parameters for such judgements in the real world.

Given that part of the aim of the thesis is to conceptualise a notion of moral responsibility,

excluding contrived needs is important. A distributive scheme that ignores any individual part in the gaining and use of resources – such as outcome egalitarianism for example – seems to deny the attribution of responsibility to the individual in the realm of distributive justice. As Marc Fleurbaey puts it, equality in the outcome of resource distribution effectively removes “most of the expression of agency by free agents; and/or it would unduly relieve them from the burden of the consequences of their choices” (Fleurbaey 1995, p683). In sum, he says, full equality in this way *denies responsibility*. Indeed, it might be argued that a redistributive scheme based on natural reward is the only system compatible with the notion of individual responsibility. However, what we have been attempting to show through this first Part of the thesis is that there are certain goods needed for any human to assume such responsibility and as such, some form of redistributive scheme concerned with meeting these needs is required. We will spend the next Part of the thesis developing the principle of redistributive justice concerned with meeting basic needs; the purpose here has been to establish the significance of the role of non-volition in the definition and understanding of our basic needs, and how this is to be discerned in terms of those individuals who wish to give up autonomy and freedom and those who willingly contrive new needs.

1.6 Need Theory and the Charge of Authoritarianism

Putting aside the specific issue of wants versus needs and the possibility of contrived needs, there is also a further problematic characteristic Flew suggests in terms of need theory and its contended paternalism. That is, its susceptibility to authoritarianism. Flew argues that principles of organisation based on needs will assign the role of benefactor to those in charge – since it is presumed that the meeting of another’s needs is a good thing – thereby enforcing an unequal power distribution and status of worthiness to those with the power to meet needs. This is compounded by the imperative character that needs have which can give a sense of importance to those responsible for the meeting of them, where “their every prescription may in consequence appear to be inexpugnably admirable and mandatory” (Flew 1977, p218). Flew also argues that the element of expertise demanded by needs results in the over-imposing role for the outsider, he says that “because needs are necessarily means to ends, there must be room for expertise in determining what in fact is needed as the means to this or that end”

(ibid.). Thus, for Flew, these characteristics not only outline the potential for need theory to legitimise unequal power balances they also highlight the problem of political abuse of power and authoritarianism. Doyal and Gough note the same when they say that “once it is accepted that some have a right to legislate for others about what they need then the slippery slope to authoritarianism does seem more likely” (Doyal & Gough 1991, p10-11). Indeed, Minogue (1963) points out how politicians and those with power often use need claims in order to excuse the denial of other freedoms.

There are however, a few things to be said in reaction to this. The first and most important is that we should distinguish here between what has been done in the past or might be done in the future and ideal theory on needs. While it is discouraging to observe how the rhetoric of need can be abused and misused it does not undermine the validity of the logic of the argument itself or indeed the importance of needs more generally. The next thing to be pointed out is the relative minimalism of the needs in question; the relatively modest needs for autonomy and freedom are unlikely to serve well as an ongoing tool of abuse of authoritarianism particularly in view of the specific outlining of the needs in question that the theory has provided. The fact that part of the requirements of action entails a basic need to be free from external control should rather limit the space for external abuse. Indeed, in terms of the basic need for autonomy also, as Feinberg points out, part of its value is its capacity to act as a tool against paternalism and express precisely the problem with paternalist interference in personal, informal and legal spheres; he says autonomy is the term philosophers have long used to describe “the realm of inviolable sanctuary most of us sense in our own beings” (Feinberg 1986, p27). This point raises another issue: part of the aim of this endeavour is an attempt to create a conceptual apparatus to assess different types of regimes. In other words, the point of trying to determine a universal principle of need is to gain some form of legitimacy when trying to critique the political or power set-up of another community where such abuses might be occurring. A final point to make on this subject is to suggest that the reason why propagandists use needs as tools of rhetorical power is *because* they are instinctively and universally seen as imperatives: “the notion ‘need’ has such currency, especially among popularisers and propagandists, and gains such persuasive force, because on the one hand it involves imperatives and on the other because it appears to root them in common sense and in

empirical reality” (Fitzgerald 1977, p195). Indeed, as such, perhaps it is those that are using the term for their own ends who should be the subject of critique rather than the very real concept of need they are abusing.

2. LOCAL PRACTICE AND THE UNIVERSALISM OF BASIC NEEDS

2.1 The Characteristic of Universality

In discussing our two basic needs in contrast to mainstream need theorists’ concept of basic needs and in contrast to wants, we have established that the basic needs here can be classed as *instrumental*, *inescapable*, and *entrenched*. What the above discussion has revealed, particularly in view of the last two characteristics, is the inherent universality of the basic needs so conceived here. That is, what is true of one person having a basic need is true of all others independent of their values. So for example, with the inescapable and entrenched need to breathe (as a working biological function), independent of cultural perspective every individual has an equal need to breathe. The point with relying on the human physiology and mental setup is that so long as we establish that certain needs are physiologically determined, we can exclude particular perspectives or values as deterministic or formative in basic needs. Once having done that, the inevitable result is a theory that is universalist in nature. The idea is that basic needs both in their physiological form and psychological form can be derived from an examination of human nature and are objectively true, rather than requiring consensus. That is, they are discoverable by an understanding of the necessary physiological and psychological processes involved in basic human action. As Brock notes if “the basic needs themselves are fixed by the preconditions for agency” they are universal (Brock 2005, p63).

The point here, as arguments above have attempted to reaffirm, is to appeal to the facts of science as part of our fundamental needs. The difference with need theory, it is hoped, is how basic needs can be shown to be intimately linked with the human essence and how it is from certain biological features that an objective appraisal of needs derive. The response to this in terms of practicalities may vary, but basic needs themselves are at least capable of associating an objective human essence with certain practical necessities, true wherever one is placed.

Thus, our needs theory should allow for a plural conception of what the best system to respond to basic needs is, but it will necessarily entail a universalist prioritisation of needs in how we judge moral action and structures.

2.2 Cultural Divergence and the Satisfaction of Needs

Whilst we have strived to show through the above discussion the objective and universal nature of basic needs, it might be argued that that we have ignored the role of cultural and communal divergence in response to needs. For those who see basic needs as intimately linked to the cultural and communal context within which they are formulated, where the concept of need is determined by relational criteria relative to the circumstance of the group that is defining them, basic needs are ill-suited to an externalist objectivist formulation of them. This is a general problem that faces any attempt to compile a list of basic needs constituted within the need for autonomy and freedom: the role of cultural variation in understanding these needs, and how we can “plausibly maintain the universality of our theory while at the same time recognising that people and cultures do differ in their beliefs about what adequate need satisfaction entails in practice” (Doyal and Gough 1991, p71). Michael Walzer for example argues that “the nature of need is not self-evident” and that people “create one another’s needs and so give a particular shape to [...] the ‘sphere of security and welfare’” – a type of original community and the context for communal provision (Walzer 1983, p65).

This issue divides into two particular problems; firstly, what exactly constitutes ‘basic’. That is, the variance in the perceptions of levels of adequacy concerning needs where “the level of what is perceived as an acceptable level of need-satisfaction seems also to be culturally specific” (Doyal and Gough 1991, p71). Some will argue that the basic needs, as we have defined them, defy cross-cultural analysis, in that different cultures view autonomy and freedom in different ways. Indeed, a relativist will argue that to “talk of individual health and autonomy outside the context of the cultures in which they find expression is to indulge in philosophical abstraction with little anthropological significance” (ibid.). Likewise, autonomy could be understood as a social and cultural construct particular to a certain context, and in so being an inappropriate tool with which to evaluate individual capabilities (Mauss 1985, pp1-25;

La Fontaine 1985, pp123-40). However, these arguments seem to be unnecessarily pessimistic in their considerations for the possibility of consensus, particularly in view of the reality of biological fact which we have endeavoured to have shown through this and the preceding chapter, and the minimal conception of moral autonomy upon which we are founding our framework. Indeed, even Walzer himself admits some qualification to the type of relativism assumed in his critique when he “accepts that there are some objective boundaries to the attribution of human needs which cannot be culturally overridden” (Doyal & Gough 1991, p17) and such a qualification might be enough to suit our minimalist set of basic needs. It is true that the staunch relativist will still be unhappy with this, but at this point, the incommensurability of our universalist position with their relativist position means that further debate is probably futile. Instead, we should use the cultural and relativist critiques to keep our conception of the needs involved in moral action in check.

The second problem raised by the critique relates to the culturally diverse ways of addressing the basic needs we have, and the fact that the ways that needs are addressed is essentially a question of preference – an inherently subjective notion. As Doyal and Gough put it, “people within different cultures attempt to satisfy their needs in profoundly different ways” (ibid., p69). This derives perhaps from a different understanding of the causes of the needs in the first place and from culturally defined customs. Essentially, preference plays a strong role in the different ways in which to answer needs. But what is also significant here is the difference in conventionally accepted provision. For example, different societies and religious groups have different accounts of what is acceptable in terms of diet and dress. Where in Muslim and Jewish communities the eating of pork is forbidden, in the Hare Krishna movement, eating any meat is proscribed by one of its regulative principles. So, in an instance where a starving member of one of these groups was offered pork, according to their custom, it would not be considered that their need for food had been met. Braybrooke argues that if a need “is not met by a form of provision conventionally acceptable, it will not be met” (1987, p103-4). Although in reality this dilemma is unlikely to occur it does demonstrate the differences in approaches of how certain needs might be met. What is appealing about a reliance on needs is that needs leave open the type of response according to local practice. So, in the example above, individuals can either meet their need for survival by nourishment through a vegetarian diet, or

one excluding only pork. This being said, we should also distinguish between the objective urgency of basic needs and the fact that such cultural and religiously defined practices are a matter of tradition and preference (e.g. see Barry (1997) on “expensive tastes”). Whether the practice is derived from observations about food safety or just mythical stories, it still remains a preference that cannot and should not undermine the claims made by objective universal standards.

SUMMARY AND CONCLUSION OF PART ONE

This last critique of the universalism of basic needs expresses an underlying issue that has informed a number of issues raised through Chapters 1 and 2; that is, the charge that need theory, instead of containing empirical work is inevitably value laden. Whilst we will look at the explicit relationship between fact and value in the next chapter, what we can say here is that, by looking at this critique in a number of different guises, we have done our best to demonstrate that this is not the case. That, instead, the reason for being concerned with basic needs in the first place is that, quite uniquely in the context of ethical theory, they are a matter of empirical fact, and when that fact is discovered it is soon realised that these needs are *necessary for the realisation of any other type of normative action*. They are a prerequisite to the possibility of any fuller theory of justice. It was this assertion, that moral action requires certain basic needs be met as a prerequisite, that we have dedicated this first Part of the thesis to defending. To summarise, in Chapter 1 we established that these basic needs can be described as *autonomy* and *freedom from external control* and that as a whole they contain a number of constituent needs. We saw these needs as crucial in the achievement of moral action and in the assignment of moral responsibility. The aim of this chapter was to develop the concept of a *basic need* itself, that is, the primary concept upon which our argument turns. In order to do so, basic needs were considered in their opposition to wants and desires, in terms of control and volition as well as in relation to the question of instrumentality. The conclusion was that basic needs will be understood here as instrumental, inescapable, entrenched and universal. The overall aim was to put into context both the background motivation for an exploration of the basic needs for autonomy and freedom from external control, as well as clarifying their core characteristics as *needs*.

Having spent Part One of the thesis showing that individual moral action requires that two basic human needs – autonomy and freedom from external control – be met we are now left with the question: what are the consequences of this? Well, we will offer there to be two substantive implications in terms of the normative international arena, and a broader implication in terms of the discourse of IPT. The first implication is that (1) there exists a primary principle of obligation to enable the meeting of basic needs and that (2) this principle of obligation has immediate implications for how the state and its structure should be understood within normative theory of the international realm. The third and more broad implication is that (3) in order for any normative framework to be truly meaningful in IPT, that framework has to acknowledge the foundational and definitional role of basic needs in terms of the individual actor assumed by it.

We shall develop and expand upon these implications over the next two Parts of the thesis and in our Conclusion. Part Two will look at the first implication, that is, the consequences of our argument in terms of a normative principle of distribution. Part Three of the thesis will look at the second implication; i.e. the implication of our principle of distribution for the international, in terms of the state entity and the state-system. We shall conclude the thesis by reflecting on the broader ramifications for the discourse and meaning in IPT. Having thus clarified the subsequent stages of the thesis, we should now turn to Part Two and discuss the need-based principle that comes out of what we have established through this present Part of the thesis.

PART TWO

A Framework of Justice through which to meet Basic Needs

Universal Scope, Rights & Obligations

CHAPTER 3

Universality of Need and Principle: Right or Obligation?

INTRODUCTION

We might start Part Two with a recap of the logic of the argument so far and what we can now hope to add to it as part of the specific findings of Part One. The argument so far has been that *if we are to formulate or carry out moral action at all (in other words, if we want to make or act upon normative principles) we need to be moral actors*. Correlatively, it has been argued that *in order to become moral actors in the first place there are certain basic goods – described by the need for autonomy and freedom from external control – that must be met*. These basic needs were established as being inescapable, entrenched, universal, and constituted by a set of psychological and physiological component needs. Accordingly, they were perceived as necessarily coming prior to any participation in a normative life or a full conceptualisation of justice, where to be moral agents (responsible for our action) in the most minimal of senses, the need for (moral) autonomy and freedom must be fulfilled first. Thus, basic human needs were conceived of as formative and necessary, even in the origins of ethical discourse. Here then, in Part Two we offer that it should follow that: *any normative framework that relies upon or addresses the person as a moral actor has to acknowledge and ensure that the needs of individuals are met, and as a matter of lexical priority. Therefore, if there are any moral principles at all, the first moral principle is to have – where actually possible – every individual's basic needs enabled to be met, and as a matter of lexical priority. This is a universal principle because any exclusion of certain individuals would entail further development of the moral principle of favouritism, which can only arise after the basic needs have been met.*

Having outlined the logic of the argument, the task of the *first section*, section [1], of this chapter will be to detail and defend this asserted principle, with particular attention paid to its universalist character, defending it against those who will reject the idea that we can assume a universal scope in the way that we do and in our associating scope and source so tightly. Once this universalist principle has been sufficiently defended we will then look to developing it. This will involve *two stages*. The *first* of which will be undertaken through the *second* and *third sections* of this chapter. That is, starting in section [2] we will look to consider the rights-framework as a potentially appropriate one with which to articulate the principle and follow this in section [3] with an examination of a framework of obligation as a potentially viable expression of our universal principle. Once having determined the most conducive framework for articulating a needs-based principle, we can then proceed to the *second* stage: that of formulating the exact wording and precise formulation of the principle itself. Chapter 4 will be dedicated to this task. How that will be done can be saved for the introduction of that chapter, for now we should return to the task at hand: to defend the universal nature of our principle and to determine whether it should take a rights-based or obligation-based form.

1. UNIVERSALITY OF NEED AND PRINCIPLE

1.1 The Principle: Universal in Source and Scope

We will recall that part of what came out of the discussion of the basic need for autonomy and freedom from external control in the first Part of the thesis is that these basic needs exist as a feature inherent to all persons independent of the state or community in which they find themselves. An acknowledgement of these needs is not state contingent, it is ‘human contingent’ – i.e. it comes from a recognition of humanity. The basic needs constitute a type of moral claim that is particular to the individual as a *physical being*. Thus, as the logic of the argument outlines, the feature of a moral actor requiring autonomy and freedom is inherent to all those humans with the potential capacity of autonomy and freedom. Having already established that *if* we are interested in creating or participating, reviewing or being subject to, *any* moral framework of action, individuals have to be actors, the idea being put forward at this stage is: the logical consequence of this is that such a framework will have to ensure that the

needs of individuals are met, and as a matter of lexical priority. For, it makes no sense to accept that in order for someone to be an actor she needs her two basic needs met whilst at the same time assuming her to be subject to normative theory but not ensuring those needs have been met in the first place. We cannot have a moral framework that relies upon individuals being morally responsible whilst concurrently not ensuring that they *can* be responsible. This is the case whether the individual is an active subject within a moral theory or whether she has been excluded from it; it is also the case that in order for an individual to formulate or reject that theory she needs to be autonomous and free. A further consequence of this is that this principle of having to ensure autonomy and freedom from external control will necessarily be *universal*, for the very features in which we are grounding the principle in the first place is one common to and defining of humanity.

Part of what is instrumental here of course is the argument that even those who are excluded from a full scope of justice need to be actors included in the original reasoning. Thus, the localisation of a fuller conception of justice – i.e. beyond the needs-based principle – can only come once beings have become actors and can then specify divisions. At this primary level of justice however, the principle is necessarily universal. Putting it in these terms echoes the set-up of the Rawlsian original position, but as we can see the principle here comes as a consequence of practical reasoning – or as Gewirth calls it, dialectical necessity – rather than from a consensus reached under ideal circumstances. It is a principle that comes from logical reasoning in response to certain facts about the human. If one accepts these facts, then the logic of the argument should follow. O’Neill points out that for a process to count as practical reasoning it must “*at least aim to be followable by others for whom it is to count as reasoning*” (O’Neill 1996, p51). The argument being made here, that even those who are to be excluded from the application of fuller concepts of justice (e.g. through favouritism) will have to be part of the process of formulating that exclusion, is nicely echoed by Nussbaum (1993) and Hurley (1993) who make a somewhat analogous argument in response to those who critique practical reason. They point out that “the sceptic’s very participation in discussion of the value of practical reason in the course of expressing his sceptical view about it in some sense affirms its value, and so is at odds with the sceptical content of his view” (Hurley 1993, p271). Both

instances involve a necessary participation in the process before that process can be rejected or reformed.

Another way of formulating this conclusion, which comes out of the recognition of the role of basic needs, is that: if human beings are to have moral duties at all they will need to be autonomous and free which means that there must be an obligation to enable their autonomy and freedom. This assertion is based on two logical principles of ethics, which are set out by Plant et al.: the first is that any set of moral rules must be consistent; it is nonsense to “assert that there both is and is not a moral duty to do a particular thing” (Plant et al. 1980, p38). The second states that if the set of rules “prescribes that something ought to be done, consistency requires that it should also prescribe that no one should prevent it from being done” (ibid.).

Gewirth provides a similar way of reasoning and describes the method as a *dialectically necessary* one; one that has “proceeded from what logically must be upheld or admitted by every agent” (Gewirth 1982, p201). He also considers that the existence of goods necessary for action gives rise to a moral principle, for him it is the *Principle of Generic Consistency* which he argues is the “supreme principle of morality because its interpersonal requirements, derived from the generic features of action, cannot rationally be evaded by any agent” (ibid.). Gewirth argues from a rights-based perspective, that this type of principle is universal for “whatever the description under which or the sufficient reason for which it is claimed that a person has some right” the claimant of that right has to acknowledge *on pain of contradiction*, that such a right will also be ascribable to anyone else who fulfils that description or to whom that sufficient reason applies (ibid., pp104-5). The description in question is the quality of a potential agent – or what Gewirth describes as prospective purposive agency – and something attributable to all human beings. Thus, by *social universalism*, the relevant rights are moral rights claimable by all. In other words, “since agency is the proximate general context of all morality and indeed of all practice, whatever is necessarily justified within the context of agency is also necessary for morality, and what must be logically accepted by every agent is necessarily justified within the context of agency” (ibid., p201). Thus, those goods recognised as necessary for one prospective purposive agent, will have to be recognised as necessary for all other prospective purposive agents by that prospective purposive agent. In other words, the agent must then admit, by

logic, that all other prospective purposive agents have the same rights to any goods that she does given that the reasons for which she can claim these goods are reasons that pertain equally to others also (ibid.).

Critics here however might accept this social universalism but still ask why there exists a right or obligation in the first place. Hare for example, in his assessment of Gewirth, acknowledges that moral 'oughts' are universalizable "in the sense that if one claims them for oneself, one is committed to extending them to other similar people in similar situations", but maintains that there needs to be a substantiation of why there should be a requirement on anyone in the first place to ensure the "necessary conditions for achieving the purposes of anyone else who is similar and similarly placed" (Hare 1984, p55) – i.e. in our terms the enablement of the meeting of needs necessary for individual action. Hare points out that an agent/actor could want to receive the necessary goods for action but not think he *should* receive such goods. Here Hare is highlighting the difference between showing that an agent/actor requires certain goods for action and the leap to making this obligate a person to delivering such goods. However, what Hare misses here is that what is being suggested is not a matter of *choice* about such goods but the fact that if we want anyone to *act at all, such goods are necessary*; and as was established in Chapter 2 *wanting* those goods does not even feature in the equation. The prerequisite nature of such goods necessitated by the needing being leaves us in a position that so long as there is a requirement to act within a moral framework or be subject to that framework needs must be met. It is in that *externally determined* fact that the principle (expressed through either an obligation or right) that needs have to be enabled to be met is grounded. If there are any moral obligations at all, there is an obligation towards anyone that one is in a position to help since if human autonomy and freedom are at all valuable, there are no rational grounds for saying that the autonomy and freedom of some are valuable and others not.

1.2 The Naturalistic Fallacy

As noted, this moral principle has been derived from a contended statement of fact about the nature of the human being and the necessary goods needed for her action. However, the problem often raised at this stage is that of the so-called *naturalistic fallacy*: that we cannot

derive an 'ought' from an 'is' (Moore 1956). Targeting need-based frameworks in particular, many hold that arguments which use 'needs' as moral concepts, or as having moral weight, erroneously conflate 'ought' and 'is' within the one term 'need' (e.g. Taylor 1959; Minogue 1963; White 1971; Fitzgerald 1977; Jones 1994). However, as the discussion of our basic needs as instrumental in the last chapter revealed, the argument being made here differs from need-theory that tends to purport that any assertion of a basic need automatically gives rise to a normative claim (e.g. Miller 1976; Brock 1984; Thomson 1987; Wiggins 1987). Instead here, we can take the 'ought' involved in the basic argument of the thesis to derive as a consequence of an acceptance of a logical analysis of goal-directed behaviour. In other words the 'ought' in the argument comes not as a moral imperative that stands alone by consequence of asserting the existence of basic needs but as a consequence of accepting a conjunction between realising the limitation and finitude of the human being and an interest in the formulation of any single principle of normative action. Thus, the 'ought' in our formulation corresponds with a more factual 'ought' – e.g. 'have to' or 'necessary to' – analogous with, for instance, the idea that 'if you want boiling water *it is necessary to* heat the water to 100 degrees'. In parallel, if you want to subject humans to moral principles, it is necessary to ensure their needs are met first. As such, no category error is involved in our argument linking 'is' and 'ought'; the general statement can be understood to follow the pattern *in order for agent x to achieve y, agent x ought to do z*, and is a statement that can be factually assessed for its truth content.

1.3 Argument for Restricted Universalism

Now, as already specified, the principle is taken as universally applicable yet some might ask why the principle should apply globally and not to a smaller group of a select kind. The problem with doing that however would be the incoherency involved in relying upon a universal attribute for giving the reason and motivation for the principle in the first place whilst then trying to restrict those grounds at the application (scope) stage. Samuel Black calls this type of argument one for restricted universalism, where a theory uses an appeal to "(near) universal attributes" as the basis for community-exclusive rights or obligations (Black 1991, p357). Black argues that any theory, which ascribes (distributive) obligations "on the basis of certain universal attributes of persons, cannot at the same time restrict the grounds for those claims

to a person's membership or status within a given society" (ibid.). To put it another way, one might question why we make the leap from recognising that all humans have a need for autonomy and freedom (if they want to compose, partake in or be subject to moral action) to thinking that there is a universally applicable principle which ensures the enablement of meeting those needs. For instance, why not limit it to a specific group one is interested in applying a moral framework to, e.g. white people only? Well, what is key here is that the being 'white' is not the relevant feature that ties these moral actors together. Indeed they are one kind of group because they are white, but it is not their 'whiteness' in which we are grounding their needs, it is not their whiteness that gives rise to the principle in the first place, it is in their humanity that we are grounding needs in – a trait that makes us all part of one same group.

The critique in favour of moral favouritism perhaps most often comes in the form of the compatriot priority thesis – where moral priority goes to one's compatriot's (Shue 1980, p132; Beitz 1983). In this case however the argument would remain the same; not only is it a feature of humanity from which the principle is derived – i.e. the principle is ascribed on the basis of humanity in the first place but as Charles Beitz points out "the basis on which the principle discriminates is a characteristic that is possessed nonvoluntarily" and where the effect of following that principle would disadvantage some (Beitz 1983, p593). Beitz, as we have, argues that to be legitimate the priority thesis needs to provide a *moral warrant*; there has to be moral reason provided to show that we should include some but not others (ibid.).

This moral warrant is lacking at the primary stage of our argument however. If one legitimates a moral principle based on a particular feature, then the onus is on those who propose to exclude anyone (who has that feature) from the scope of the principle, to prove why they are legitimate in doing so. This, as noted in our outline above, constitutes a form of moral partialism or favouritism and will have to come at the later stage of composing a fuller conception of justice. In other words all those with the specified feature (basic needs) have to be part of the original conversation as minimally specified moral actors. As Hill puts it "if and when one raises questions regarding fundamental moral standards, the court of appeal that one addresses is a court in which no particular individual, group, or country has special standing" (Hill 1987, p132). Hill notes that moral principles, such as favouritism "must be

defensible to anyone looking at the matter apart from his or her special attachments, from a larger, human perspective" (ibid.). For us then, it is this larger human perspective that must be included in the scope of the principle determined by the human features that gave rise to the principle in the first place.

This way of conceiving humanity as the subject of the principle is also articulated by O'Neill through her conception of action and particularly, her notion of interconnectedness. She notes, whenever action "assumes a plurality of finite and connected others" – which she argues it inherently does by its nature – one is at the same time "committed to including those others within the scope" of one's consideration (O'Neill 1996, p113). Here, of course, we are reliant on accepting that action is presupposed by "a plurality of finite and connected others", which O'Neill defends as features which structure *all* action. She describes these three aspects as 'plurality', 'connection' and 'finitude'. In other words, the three presuppositions of activity are: "*that there are others* (seen as *separate* from the agent); *that those others are nevertheless connected to the agent* (either or both can act on the other); and *that those others have limited but determinate powers*" (ibid. p101). By plurality, O'Neill describes the assumption of the existence of distinct others whom we may affect or be affected by when we act, without which frameworks of ethics would have no purpose. Through finitude, O'Neill expresses the vulnerability of humans, for example expressed through their basic needs. In terms of interconnectedness, O'Neill argues that just as "boundaries of ethical consideration can be manipulated by denying plurality and finitude that are implied by activity, so they can be manipulated by denying connection. This is sometimes done by depicting others as lacking the very connections which various activities assume" (ibid., p112). Thus, O'Neill depicts human action as inherently presupposed by the interconnectedness of all and as such, the scope of any practically reasoned principle of justice must be universal. A universal scope comes from recognising this fact that all actors are universally ethically connected along with the fact of their finitude and plurality; for, "whenever their activity assumes a plurality of finite and connected others, they are also committed to including those others within the scope of their ethical consideration" (ibid., p113). O'Neill goes on to conclude that international justice itself must be cosmopolitan in nature since by its very nature, "international political activity

assumes that it will affect the agency of 'others' (in this case distant strangers)" (Sutch 2001, p94).

Overall then, the principle as presented can be understood to constitute a universal principle in both source and scope; its source is in a universal human feature, its application holds true for all and is applicable to all. O'Neill describes two basic features that have to be present for a principle to be universal, and are features which are applicable to our principle here; firstly and elementarily, "a principle may be said to be universal [...] if it applies to or holds for all rather than merely for some cases in its domain [...] The second sense [...] is that the range of beings is seen as extensive: the scope of principles is inclusive, perhaps (more-or-less) cosmopolitan" (O'Neill 1996, p74).

1.4 Impossibility of Morality Outside of the National Community

There are those however who argue that it is not just a matter of proving the logic of our argument, but instead a matter of the argument being impossible to make independently of a specific community or national context. In other words, there are those who argue that the priority thesis arises because we cannot even complete the goal of setting out the logic of our argument without acknowledging where morality has stemmed from (i.e. through some form of a more localised origin) and since that is prior it is ultimate. Meaning universalism is not the default moral purview.

Alasdair MacIntyre is one theorist who argues this very strongly, he sees moral functioning as having a prerequisite: loyalty to a particular community (MacIntyre 1999, p276). Consequently he would reject the possibility of a universalist project such as the one here, with its argument being based purely on logic and abstract reasoning. Instead of seeing a derivation of moral principles based on an abstracted being with the possibility of applying principles universally and impartially independent of history and context, MacIntyre sees *where* and from *whom* the morality is learnt as central to any account of morality (ibid., p274). He argues that "it is an essential characteristic of the morality which each of us acquires that it is learned from, in and through the way of life of some particular community" (ibid.). Thus, a specific morality is

always of a highly specific social order. Moral rules for MacIntyre can only be understood and learned within the context of a distinct social framework; that is, *moral agents do not identify independent universalizable maxims of action, instead principles can only be apprehended* “in the version in which they are incarnated in some specific community” (ibid., p276).

Furthermore, MacIntyre points out, it is not just the social and particularised context of morality that is relevant but it is also that the goods to which any set of moral principles must refer must be goods that have been constructed within the context of shared understandings of the local community. For, fundamental to those goods is the experience of one particular kind of social world and without which there would be no reason to be moral (ibid., p275).

MacIntyre holds that morality requires the existence of a community since it is an impossible pursuit for those without a community of shared moral understanding, where moral agency has to be developed and sustained through community. Here, “moral agency and continuing moral capacity are engendered and sustained in essential ways by particular institutionalised social ties in particular social groups” and accordingly, the possibility assumed by frameworks of impersonal morality to “counterpose allegiance to a particular society and allegiance to morality” does not exist (ibid., p276). For MacIntyre then, patriotism for a national community and its requirements (including individual deaths to sustain it) cannot “meaningfully be contrasted with or counterposed to what morality” requires of an individual, instead *patriotism is the precondition of moral functioning*, it is the foundation of morality itself (ibid.).

Accordingly, patriotism and the loyalties it inspires – to that “community, to the hierarchy of particular kinship, particular local community and particular natural community” – is a central virtue, a core moral doctrine (ibid.).

As a result of this understanding of the person, MacIntyre finds the universalist framework derived from the abstracted individual a radically incoherent basis for a theory of action. Instead he argues for the particularist morality of patriotism, a framework of partiality in which preference is made for one’s compatriots, their interests and goods over those people who live outside the national community. For MacIntyre, patriotism constitutes one type of “loyalty-exhibiting virtue”, others of which include “love of one's own family and kin, friendship, and loyalty to such institutions as schools and cricket or baseball clubs” (ibid., p271). As such,

patriotism requires a particular type of devotion to one's nation; and virtuous action as rooted in contingent social facts – such as birth place, political regime, parental identity etc. He is unequivocal in contrasting patriotism with a simple defence or pride in a community or nation due to a belief in the ideals articulated by that nation – i.e. where it is the ideal itself that is cherished. Instead he sees patriotism “defined in terms of a kind of loyalty to a particular nation which only those possessing that particular nationality can exhibit” – for MacIntyre, only a French person can be patriotic about France (ibid., p270).

MacIntyre's argument provides us with a couple of consequences for our principle. The first is that our principle cannot be universal because the theory itself has to lie within the community context. Therefore, the actors and their action are embedded within a community and the principle itself will only apply to that community. In other words, MacIntyre's argument is that since moral obligations are incoherent outside of the national community there are particular reasons to be partial to that national community. However, it is unclear why this reasoning should exclude the possibility of obligations to non-compatriots. For, *even* if we accepted that any moral theory will have to come from the context of a national-community based patriotism the argument fails to show that those outside should also be beyond the reach of the norms' range of application. The problem for MacIntyre is that even if we accept you can only have a *community derived* moral theory, it still remains the case that any moral theory of action within that community will still rely upon moral actors and presuppose their capacity for acting. At which time we find ourselves back to the original logic of our argument, a logic that relies upon universal features of humanity rather than anything exclusively community based including a specific historical process, a progress of certain values or cultural norms. Having recognised this we are back to the point made above, which argued that the specific features upon which the preliminary needs-based principle turns are global and therefore undermines the automatic exclusion MacIntyre makes of other communities within its scope.

Moreover, it is far from clear why we should accept MacIntyre's particular characterisation of a national-based community in any case. For, many do not identify the nation-state as constituting the type of community of shared values MacIntyre describes; self-identification in terms of nationality is hardly as unproblematic as he assumes. Firstly, his account of the

national group with a coherent and distinct inheritance, a true and unified character based on a particular social group that differentiates it from those beyond its realms, does not correlate with nationality and the national group in reality. The identification of many nationalities and states (for example, the ex-Yugoslavian states or Northern Ireland) will depend as much on politics as true histories or shared meanings. Secondly, reliance on nationality as integral to allegiance seems somewhat anachronistic given the new forms of regional identity being established (e.g. the EU) and the breaking up of old ones (e.g. post 1989). MacIntyre's view that only a Frenchman can be patriotic about France surely reveals the problematic issues with his contextualised understanding of morality; societies and nations no longer work in the way that MacIntyre describes, and quite how MacIntyre would define a Frenchman is unclear, as is whether one can adopt a new nationality on his view.

Relating to the alleged arbitrariness of MacIntyre's characterisation of community is a further problem to come out of his emphasis on an almost pre-determined apprehension of moral principles rather than identified independently. The issue here is that theory could be understood to represent a system of deterministic inevitability rather than choice of action. As with Sandel (see Chapter 1, §4.5), MacIntyre's account, in its rejecting independent identification of moral principles, runs the risk of presenting moral theory as merely *describing* national norms which seem to be mutable only by time, immune from critique via independent judgement. Once one contextualises morality in a specified and arguably somewhat arbitrary community, one runs the risk of undermining the possibility for a coherent set of moral principles at all. For, as soon as the context itself is questioned (in the sense of its characterisation) the foundations for morality at all become undermined, and the tools of critique previously thought to be determined exclusively within that particular context are lost.

However, at this point it might be argued that whilst we may be able to universalise at the foundational level, as a justice principle based on needs, and thus inevitably redistributive, we need to take account of *who* are the *contributors* to the resources to be distributed rather than look only at global need. Correlatively, it could be argued that it is unfair that those who have not contributed to the institutions and resources of the grouping should gain from them; that it is the fact that people share "a commitment to a set of mutually beneficial institutions"

that means that they are entitled to the advantages of them (Jones 1999, p126). On this reasoning, any distribution of material goods and welfare can be considered to remain justly within a specific economic sphere, or more usually the state, with the only legitimate obligations being delimited to those who share in the commitment. Since “it is only *insiders* (i.e. fellow citizens) who have contributed to the institutions in question and to the production of benefits those institutions have spawned” the argument concludes that it is only insiders who should be entitled to such benefits (ibid.).

Leaving aside the fact that it is somewhat anachronistic to argue that in the world as it is today, contributions to the economy and political institutions of a state can ever be conceived as coming from only those who live within the state, there are a few issues to raise in response to this argument. The first is that there will be many who are unable to contribute for reasons not of their own choosing (for example, the severely disabled or children) but it is not clear why this should then exclude them from the benefits of the collective project. Of course, there is the important distinction to be made between those who cannot contribute and those who are unwilling, but this example just seeks to show that contributions cannot always be taken as a necessary precondition for membership. Moreover, those who find themselves outside the borders in question have no option to contribute, so it cannot be claimed they are unwilling to do so, since they are given no opportunity through, for example, the opening of borders (e.g. either via a different immigration process or through more global institutions). The second point to be made again refers back to needs. If one accepts the premise of the argument, that to be an agent of action – and thus a potential contributor – one’s needs have to be met, this argument presupposes that those who are not contributing were able to do so in the first place, which brings us back to the default universalist position. That is, in order to be justified in closing off borders to particular people based on contribution surely everyone has to be given the opportunity and capacity to contribute in the first place. Moreover, if this is accepted, the idea that a voluntary grouping used precisely to exclude others and provide extra benefits for its members should *weaken* their obligations to those outside seems suspiciously unfair. It is unclear why, if individuals create a group in order to gain mutual-benefits of some kind, the members of that group should not only gain from “the advantages of membership but also the additional benefit of having stronger claims on another’s services” than those

excluded have “on the services of either one of them” (ibid., p127). As Charles Jones points out, we might actually presume that if a certain grouping gives its members specific advantages then the obligations to those who have been excluded from the beneficial grouping would actually be greater given that exclusion may – as MacIntyre admits in his talk of scarce resources – lead to increased vulnerability (ibid.)

1.5 Summary

Having determined and defended in this section that any normative framework that relies upon or addresses the person as a moral actor has to acknowledge and guarantee that the needs of individuals are met, and as a matter of lexical priority, and that the principle describing this guarantee is a universally applicable one, we can move on now to establish whether such a principle would be best framed in terms of a right or an obligation. In other words, having argued that *if there are any moral principles at all, the first moral principle is to have – where actually possible – every individual’s basic needs enabled to be met, and as a matter of lexical priority*, we then need to ask would it be best to ensure the enablement of meeting everyone’s needs through asserting their right to it (section [2] of this chapter) or asserting some form of obligation to do it (section [3]).

2. NEEDS AND RIGHTS

2.1 Some Context: Theories of Human Rights based on Needs

We start with rights, and in so doing, we might begin our analysis of the suitability of the rights paradigm for expressing the needs-based principle by providing some context in terms of where needs have been used to ground rights before. There are a number of arguments made for grounding the idea of rights, at least partly, in needs. William K. Frankena (1962), Abraham Maslow (1970), Henry Shue (1980), Christian Bay (1980, 1982), Susan Moller Okin (1981) and Thomas Pogge (2002) all use the notion of need to give weight to the normative persuasiveness of human rights. Whilst Okin and Frankena both develop a specifically needs-based rights framework; others have more broadly based human rights in the notion of need,

where the humanity or human nature in which their rights have been grounded has been seen as integrally tied to human needs and determined, at least partly, by those needs (Donnelly 2003, p13). Pogge, for example, grounds his notion of human nature and thus rights in a concept of need: he asserts that any commitment to human rights will involve one recognising that all humans “with a past or potential future ability to engage in moral conversation and practice have certain basic needs”, and that such needs generate weighty moral demands (Pogge 2002, p58). Likewise, Bay, who supports the idea of universally felt needs, claims that these *needs establish human rights* (Bay 1982, p67). Maslow also talks of the inherently strong connection between needs and rights, where the former entails the latter; “in order to be fully human these need and metaneed gratifications are necessary, and may therefore be considered to be natural rights” (Maslow 1970, pxiii).

Indeed, similar to our premise, imbued in much of the above argument is the idea that there are some basic things all individuals need in order to be actors and if there are rights to anything those rights should be formulated on that understanding of humankind and be capable of expressing the claims to come out of needs. Furthermore, human rights exist by consequence of our humanity and its character, a character that is partly based upon human beings *being needy*. Nevertheless, we might divide those rights doctrines that ground their reasoning upon a need-oriented concept of humanity and those explicitly concerned with the right to subsistence. Indeed, in looking to the rights-framework to express the needs-based principle, it is the subsistence dimension that we shall concentrate upon primarily; in other words, the need for autonomy (rather than freedom) and the necessity to meet it. The reason for doing so is because the constituent needs of freedom from external control (i.e. absence of compulsion, coercion and deception) are more straightforward in their realisation in so far as they are not subsistence dependent, and in terms of assessing the suitability of the rights-framework in general it makes sense to view it in terms of the more demanding needs, the subsistence needs. Of course whether this distinction – between the (negative) constituent freedom needs and the (subsistence-dependent) constituent needs of autonomy – is a coherent one in the first place, is something that we will be looking at below in our discussion of rights and their positive/negative nature.

2.2 The Conceptual Difference between Rights and Subsistence Needs

When considering the legitimacy of subsistence rights, a fundamental issue to consider is their capacity to be considered as universal. This is important particularly having already established the universalism of basic needs and the needs-based principle itself. Maurice Cranston defines the concept of a human right as a universal moral right (Cranston 1973, p67), but in his discussion of socio-economic rights (as part of which we take him to include subsistence rights) he contends that they fail his test of *universality*. Arguing firstly, that these rights are not equally demanded and felt by all; and secondly, that they fail the test of paramount importance, where they should be considered to be of “a totally different moral dimension” (ibid., p68). To start, we can reject his claim that subsistence claims lack paramount importance. Part One of the thesis should have adequately shown that the basic needs as here defined are of primary importance. In view of undermining Cranston’s test of universality as relevant here, we can suggest that his idea that subsistence rights are not universal because not everybody needs them universally seems to lack logical consistency. For, the same could be said for arguments in favour of political rights; for instance, the right to equality belongs to all, even those who have it. In other words, “everyone can be said to enjoy a right even though the right is one that they will need to take advantage of only in certain circumstances” (Jones 1994, p159).

More significantly however, Cranston also talks of the idea of *practicability* – a problem that arises in much discussion of the potential for subsistence rights to be universal – i.e. if the duty demanded is physically impossible, the legitimacy of the right involved is negated. Not only does the problem of practicability highlight difficulties with relation to distance and practicalities it also points to a fundamental problem of how much action these basic rights demand of people and institutions. The idea of rights being practicable is based on the notion that people can only have the corresponding duties to do what it is *possible* for them to do. Correlatively, this notion is used to reason that subsistence rights cannot be true human rights for, to constitute a true human right, that right has to be able to be fulfilled in practice and without exception; and subsistence rights cannot meet these requirements.

2.3 The Positive/Negative Distinction

Cranston's practicability critique leads us to the notion of positive and negative rights – two labels commonly used to demarcate the level of action demanded in order to have a particular right realised: "according to this view, the distinction between rights turns primarily on what is required by their correlative duties" where negative rights entail negative duties and positive rights give rise to positive duties (Gewirth 2002, p322). Many see this division of negative and positive rights as highlighting a fundamental difference between types of rights, the consequences of which determine whether these rights can ever be universal or matters of justice (Buchanan 1987). Thus, in the common categorisation of subsistence rights as "positive", there is both an assertion that their existence demands positive action on the part of another – i.e. some form of action or provision is necessary for the fulfilment of these – and that they are inherently problematic for the candidature of universality. When bracketed as 'positive', these rights suffer from the widely held idea that they are problematic not only due to their costs but also due to their diffuse contents.

There seems to be two ways of trying to get around the strong connection made between subsistence rights and the difficulties entailed by their positive nature. Firstly to contend, as many subsistence rights theorists do, that *all* rights are positive. The second way is to assert that we can treat the rights that derive from need-claims as negative. Let us look to both those approaches now, starting with all rights conceived as positive.

2.3.1 All rights are positive

Many proponents of subsistence rights take issue with the supposed clear distinction made between positive and negative rights. Instead these proponents aim to show that *all* rights entail some form of positive action, and in so doing they hope to show that if liberty rights can be un-problematically accepted as rights, so too should subsistence rights. For instance, Shue argues that whilst on an individual level, when considering negative rights, it *is* possible to refrain from certain actions and therefore protect another person's negative right, it is impossible to protect *everyone's* negative right without the implementation of some

institutional mechanisms – i.e. “without taking, or making payments toward the taking of, a wide range of positive actions” (Shue 1980, p37). Although it may be reasonable to assume that duties concerned with not harming will generally be less exigent than duties to aid, the state still has a responsibility to provide a certain social structure to ensure the protection of negative rights, such as a police force, judiciary or prisons for instance. Indeed, even Nozick’s night watchman state demands the provision of certain governmental institutions such as these (Nozick 1974). Respectively, these types of observations conclude that the claim that liberty rights require little if any positive action by the state is unfounded. The inference therefore is that this distinction can only hold on a more abstracted examination of rights; when considering their implementation in reality it becomes clear that they all demand some form of institutionalised realisation and it is here that the distinction becomes blurred and incoherent (Shue 1980; Jones 1999; Wringer 2005). According to these theorists, when it comes to the reality of attempting to implement the dichotomy it appears that quite the opposite is true and that in fact *all rights are positive* (Holmes & Sunstein 1999, p39).

Quantitative difference still stands

However, there are a number of challenges to this conflation of the positive and negative distinction. Brian Barry (1990) disputes the legitimacy of making analogous subsistence and liberty rights by comparing rights to a decent standard of living with freedom of speech. By doing so, he shows that when attempting to make them equivalent there is an understood – if not clearly defined – conceptual difference between the two types: where “‘an adequate standard of living’ would be analogous to a ‘moderate amount of free speech’ but the latter is not what is called for in the declaration of human rights” (Barry 1990, p150). Moreover, as C. Michael MacMillan points out, the fact that theorists can show that so-called ‘negative’ rights are costly too only means that they have demonstrated there is no *qualitative* difference between the two; it does not show whether there are *quantitative* differences. In fact, MacMillan contends, there is a quantitative gap and it is substantial (MacMillan 1986, p287). This is a very important point in any attempt to reveal the difference in nature of subsistence rights to other fundamental rights and is indicative of their representing something more than the problem of a positive duty. Barry argues that what these positive rights demand can only

be provided when the power in charge of satisfying them is economically sufficiently advanced. Obviously, this will not always be the case, thus it then becomes a question of the 'rights' being mere expressions of a desirable economic standard to be achieved. Correlatively, he says that "to express these positive demands in the language of absolute distributive principles is to use the wrong conceptual apparatus" (Barry 1990, p149). Conversely, political rights or negative rights can be successfully articulated through a framework of absolute distributive form, since they do not necessitate or require reference to *amounts* (ibid., p150). In other words, the question of relative standards (e.g. 'what is an adequate standard of living?') does not arise with political rights (i.e. freedom and the like cannot be quantified). Significantly, the fact that the question 'what happens if there are insufficient resources to meet everyone's subsistence rights?' is always a legitimate one is indicative of the different nature of claims to rights of subsistence. Is it still possible to have a right that cannot be satisfied? As Feinberg notes, in times of scarcity it becomes problematic that "there may be no determinate individual who can plausibly be said to have a duty to provide the missing goods *to* those in need" (Feinberg 1973, p66).

2.3.2 Subsistence rights as negative

As already noted, there is a second way of attempting to solve the positive/negative dilemma in relation to subsistence rights. Instead of disputing the difficulties positive rights bring by trying to show that all rights are positive (as we have just seen) some theorists promote subsistence rights on the assertion that the positive/negative distinction does not arise because the rights involved in subsistence claims are actually *negative* ones.

Demotion of property rights

One way that this might be done is to prioritise the right to subsistence over that of the right to property; indeed, Pogge suggests that we might reconceive property rights so "every human being is seen as entitled to some share of our planetary resources" (Pogge 1992, p246). In so doing we would not be demanding positive action on the part of another for our subsistence rights but merely be satisfying our right to subsistence without the intervention of others.

Realising the right to subsistence then, in Pogge's thesis, would "not require the creation of a legal right to food-when-needed" (ibid.). Interestingly, this thesis is consistent with the early libertarians' acknowledgement of an inherent conflict between property rights and the right to absolute liberty. The difficulty they found was this: that one person's freedom to acquire a resource for herself conflicts with everyone else's freedom to use that resource. Furthermore, although the intrinsic nature of property rights is at the centre of much current liberal thought, the right to property is nevertheless not self-evidently inalienable, no more so indeed than the right to subsistence. Paradoxically, part of property rights' defence is based upon the notion that it protects the means of subsistence, but in so doing it is necessary to demote subsistence rights to a positive form and exclude the right not to be interfered with when securing resources for subsistence. If we were *not* to start with the premise that property rights were inherent rights and ones that trump others, the capacity for subsistence levels to be met would be quite different.

Freedom from starvation

A related way, used by Pogge (2002, 2005) and James P. Sterba (1998), of conceptualising subsistence rights as purely negative, is to conceive of them in terms of *harm avoidance*. Sterba considers that the right to be free from starvation can be conceived of as a negative right in that it could be understood as the right of a starving person not to be interfered with when taking the surplus food of another; that the liberty of the poor "is not a positive right to receive something but a negative right of non-interference" (Sterba 1998, p238). Sterba considers it a question of moral preference of whether we choose in our construction of the negative/positive categorisation to favour the liberties of the poor or the rich. Similarly, Shue considers there to exist a subsistence duty that is a negative duty: "a duty simply not to take actions that deprive others of a means that, but for one's own harmful actions, would have satisfied their subsistence rights" (Shue 1980, p55). So, in the context of basic needs, the concept of 'harm' in terms of a negative right – and its counterpart duty – would mean a situation in which basic needs have not been met; that is harm within our framework will constitute not having autonomy or freedom.

Now, if we are to prioritise the negative rights of the poor, this will mean that if it can be shown that the rich have surplus goods whilst the poor have not yet met their basic needs, it will imply that those with surplus will be violating a perfect negative duty they have to others. Sterba argues that even from a strictly libertarian perspective, “virtually any use of their surplus possessions is likely to violate the negative welfare rights of the poor by preventing the poor from rightfully appropriating (some part of) their surplus goods and resources” (Sterba 1998, p242). Furthermore, it can be asserted that by the rich letting the poor starve, they are violating a perfect negative duty, that is, their duty not to harm and the poor’s negative right not to be harmed; as such, this negative right generates obligations for all others not to deprive anyone of the food necessary for their survival. It is left open as to how individuals can know when and where they owe their duties however; thus, Sterba suggests the need for institutions which will guarantee certain positive welfare rights that will then take precedence over the exercise of negative welfare rights (ibid.). It is therefore perhaps a more satisfactory approach to subsistence rights in that it bases itself on the more uncontroversial negative right relating to harm. Moreover, if we regard the limited resources of the world to imply that the rich are responsible for the predicament of the poor because by owning a certain amount of resources they automatically deny others the right to owning such resources, this notion of harm becomes more reinforced. Barry says, “anyone with a large slice of cake is directly responsible for somebody having a small one” (Barry 1998, p152). Thus, through this perspective the rich are violating their negative duty of not harming in the context of limited resources. This then initiates another crucial question: what happens in this negative-rights framework when there is not enough of the cake to go round?

The relevance of the material

This question challenges the negative right-based framework of subsistence with the same fundamental stumbling block that the positive rights discourse suffered from by asking whether the finite nature of resources affects the logic of the argument in the same way that it affected positive subsistence claims. It is not clear that it does. To develop this, let us imagine a world in which there are two people and such limited resources that only one of them can meet their basic needs. Now, is it fair to say that *person A* who has enough food to survive is

violating a starving *person B*'s right not to be harmed? It would seem not. Just like with any abstract negative right – i.e. one not involving material finite resources – there are occasions where one right or duty has to override another. For example the right 'not to be killed' is invalidated when the *person A* who holds that right is threatening the life of another *person B*; correspondingly *person B*'s counterpart duty 'not to kill' is renounced. Likewise with the last bit of food only sufficient to feed one person, if *person A* had a duty to give it to *person B* they would essentially be killing themselves instead of *person B*. Instead it can be viewed as a simple matter of self-defence.

However, the problem with this example is that the world is not composed of just two people – it is composed of billions. This means that there is no possibility for *person B* to *identify* that it was *person A* who (justly) failed to give her the bread. And it is this problem that means that there *is* a difference between this type of right (a negative subsistence right) and the more traditionally conceived negative rights – i.e. liberty rights. The issue here is that even conceived in negative terms, subsistence rights always involve the problematic element of trying to identify the corresponding duties. Despite the initial appeal, it is *not the same* as an abstract liberty right; for with a non-material right, such as the right not to be tortured, I can incessantly and incontrovertibly be claiming a right against someone, say Maude in Australia, which says that I have a right not to be killed whilst she is consistently keeping up her duty not to kill me. I can claim the same against Oscar in Tanzania, and he too is keeping up his duty. Now, it is different when it comes to material substance because such claims and responses cannot be abstractly and consistently pursued; even if my right merely demands that Maude leave enough of the global resources to meet my basic needs, it is unclear whether it is (a) Maude who has violated her duty by taking my share, or whether it is (b) Oscar who has done so, or (c) another person. This may appear as pedantic but it is actually crucial. What these material (and negative, according to Pogge and Sterba) rights require in order to make any sense in the first place is institutionalisation; that is, when I am starving I cannot say that everyone individually has violated their individual duty towards me but instead I might describe it as a collective violation. Whereas, crucially, with the non-material negative rights not to be tortured, institutionalisation is very useful but not essential, for, I can claim it against *everybody individually* without the institutionalisation. In other words *I can identify the individual who has*

violated it. Simply put, in the absence of enforcement and *A* tortures *B*, we know that it was *A* who violated *B*'s right, conversely, if *A* does not give *B* food when *B* needs it, it cannot be shown that it was *A* that violated *B*'s right, for, there is nothing that shows "it is against *A* that *B*'s claim to food should be lodged or enforced" (O'Neill 1991, p296).

2.3.3 Review of the positive/negative distinction

This examination of negative rights in relation to an articulation of need-claims has highlighted the ineffectualness of the positive/negative distinction when attempting to determine the nature of rights and duties. Many subsistence rights theorists, as we have seen, want to tackle the meaning of subsistence rights by showing all rights are positive. All this does is demonstrate how tricky even traditionally conceived liberty rights can be; it does not improve the case for subsistence rights. Indeed, Shue's claim that all rights require action could be seen as undermining the most standard arguments for taking rights as crucial to ethical deliberation. As soon as it is recognised that all rights need positive action, inevitably internal inconsistencies will occur, refuting the winning claim that rights, as a set of claims, constitute the most comprehensive and consistent set of human liberties (O'Neill 1986a, p115). In terms of the opposite approach, to make subsistence rights negative, theorists have failed to eschew the crucial issue: that subsistence rights pertain to material goods that inevitably need distribution, unlike abstract goods that do not. That is, it is not the positive action that is a problem but the quantitative demands made by rights pertaining to the distribution of material goods. By contrast, positive rights pertaining to the distribution of non-material goods – goods that are infinite – are not as problematic. It is not the positive/negative distinction that is relevant here then, but the fact that finite goods can run out (and therefore not be there to answer the right for them) and that the duty-bearer supposed to distribute those goods is unidentifiable. As such, in terms of our subsistence needs and a rights discourse the problem is this: rights necessarily need counterpart duties in order to have meaning and it is difficult, in the case of subsistence, to establish the correlative duties they would entail and where they would be located.

2.4 Review of Rights Framework in General

To summarise, we have explored the possibility of using the rights framework to articulate our prior determined needs-based principle: firstly, by trying to establish subsistence rights as the same as all others by asserting that all rights are positive; and secondly, by trying to show that subsistence rights can be seen as negative and thus avoiding problems associated with positive rights. Both methods were unsuccessful. Consequently, despite having seen how needs are integral to the formulating and understanding of human rights in general, we will have to reject the possibility of articulating our needs-based principle through the rights-based framework.

Before closing our review of rights, perhaps we should make a last comment on what our exploration of rights from the perspective of need has shown about the rights paradigm itself. The above analysis has demonstrated that the confusions involved with the distinctions are indicative of a more fundamental problem with the rights doctrine itself. The fact that subsistence rights, through the difficulties revealed, are demoted by the rights paradigm to a status of lesser importance or at least one considered outside the realm of justice presents a striking paradox which is three-fold; firstly, there is the perplexing issue that despite subsistence needs coming *prior to* all rights they are still declared as non-universal and secondary (in their “positive” nature) within the traditional rights paradigm. Secondly, this actuality goes to undermine the whole paradigm itself – for it shows that as a framework, it creates limitations that make it impossible for it to accommodate principles more fundamental than the ones that compose it. As Griffin neatly puts it: “if human rights are protections of a form of life that is autonomous and free, they should protect life as well as that form of it” (Griffin 2008, p180). Thirdly, the somewhat flippant way it is possible to make certain rights negative by demoting others surely reveals an element of the rights paradigm that is dependent upon subjectivity and values – a worrying element for any framework looking to purport the universal nature of legitimate demands.

Through our foregoing discussion we have largely referenced obligations in terms of how they are framed by rights. However, perhaps now it is time to concentrate on the obligation aspect of the traditional rights/obligation paradigm to see whether that would make a difference in

terms of articulating our needs-based principle in a meaningful way. We might start by looking at how obligations have been traditionally conceived.

3. NEEDS AND OBLIGATIONS

3.1 Types of Obligations¹³

Both J. S. Mill and Jeremy Bentham outline two concepts of obligation. Whilst Bentham (1823) talks of ‘extra-regarding’ obligations, Mill says that along with a number of other ethics writers he understands there to be two types of obligation; perfect and imperfect (although he dislikes these terms). Mill sees perfect obligations as “duties in virtue of which a correlative right resides in some person or persons” and imperfect obligations as “those moral obligations which do not give birth to any right” (Mill 1962, p305). Kant provides a more expansive understanding of obligations through his trichotomy of duty-types. He is very clear on how duties should be interpreted and conceives of duties in three ways (Kant 2002, pp423-31 §4: 422-3, 429-30). Firstly he sees that there exist duties of a *universal and perfect* nature; that is, duties which should correspond to universal (human) rights in that they are owed by all to all and thus doubly universal, where those agents who owe and those who are owed are perfectly, that is, fully specified. Secondly, he understands there to exist *perfect duties* that are correlatives of *special rights*. For example, a promise or contract would result in a situation where those who bear the rights and those who owe the duties are particular. Thirdly, the Kantian trichotomy sees there to exist duties that are neither perfect – i.e. *imperfect* – nor universal. Such duties have no correlative rights; they are deficient in specifying those persons owed by the duty, those with corresponding rights. In the absence of specification, it is up to the duty-bearer to choose upon whom to discharge the obligation. We should add to this, as O’Neill does, the concept of *universal imperfect duties*; that is, duties which lack counterpart rights, and are “enactable by all but not for all; *a fortiori* they cannot be claimed by each from all” (O’Neill 1996, p148).

¹³ It should be noted that here we are using the terms ‘duties’ and ‘obligations’ interchangeably. Whether this is an erroneous conflation of two quite different concepts is subject to debate. Whilst White (1984) and Pogge (1992, 2005) make a terminological distinction, here we shall not do so since many of the authors to whom we make reference use both terms analogously without any obvious conceptual repercussions.

Having established what types of obligations there are, perhaps we could start examining the potential role of this obligation-based perspective by looking at the relevance of switching our subject of concern. Up until this point, when looking at expressing the needs-based principle through rights, we have been naturally concentrating on the rights-bearers (the claimants) but what switching to a discourse of obligation necessitates is a shift of concern to those *responsible* for meeting needs.

3.2 From Recipience to Agency

In her discussion of the role of obligations, O'Neill stresses the importance of power and the idea that normative discourse should be addressing those with it. In other words, it makes more sense to address and formulate the obligations of those who hold or are responsible for resources and action as opposed to addressing the powerless (the traditional rights bearer). O'Neill understands there to be a clear distinction between recipience and agency and thus the possibility to prioritise only one; "the two perspectives of agency and of recipience are not equivalent beyond the domains of law and of comparably well-defined institutional relationships, we must choose between them" (ibid., p146). This stress on agency fits nicely with our emphasis on action as the condition that determines the role for needs in normative theory in the first place. Indeed, it also relates once again to our underlying principle that 'ought implies can'. By directing normative demands at those with the power and capacity to take action, one is better ensuring the meaningfulness of the principles one is outlining¹⁴.

3.3 Imperfect Obligations

O'Neill sees it as problematic to begin with an explanatory theory of rights and derive obligations from there, for it discounts the possibility of the existence of obligations that have no corresponding rights. She argues that to examine the character of obligations, one cannot

¹⁴ This switch from recipience to agency might bring with it the charge that by focusing on those with the power to change a situation one reinforces an elitist understanding of reform, where some are seen to have the required skills and knowledge to alleviate the situation of those in need. Essentially, this charge is one of paternalism, and was an issue that was discussed in §1.3 & §1.6 of Chapter 2 and in §4.6, Chapter 1.

start with rights. Thus, by taking rights as prior we are failing to take obligations seriously; we run the danger of relegating any moral acts and duties that are not demanded by rights to issues of personal discretion. Hence O'Neill's preference for an obligation-based idiom comes not only from the decision to switch emphasis from recipient to agent but also to start with the widest possible examination of claims and duties. It is not then just a mere case of preference between rights-based theories and duty-based ones; in fact "we cannot see a choice between obligation-based and rights-based theories as mere choice of perspective, since the scope of a theory of fundamental rights is narrower" (O'Neill 1989, p193). Therefore, the contention is that a duty-based perspective can tell us everything a rights-based one can and more.

It is only by starting with duties that we can discover the existence of the imperfect obligations described by Mill and Kant, where these imperfect duties do not need to correspond to any rights at all. Indeed, O'Neill's contention is that they can be legitimately held and owed without anyone else having a corresponding right. She considers these imperfect obligations appealing in terms of subsistence, since they can be left open so as to avoid the problems we saw earlier that rights had in the context of finite capacities and resources. Instead, "imperfect obligations can be enforced only when they are institutionalised in ways that specify *for whom* the obligation is to be performed, that is, that define who holds the counterpart rights and can claim or waive them" (O'Neill 1989, p191). As discussed above, perfect duties often need institutionalisation too, but the core difference is the possibility of identification prior to this; where the counterpart rights of perfect obligations are identifiable prior to the institutionalisation of those perfect obligations, the imperfect obligations' counterpart rights are only identifiable after institutionalisation – i.e. it was the institutional embodiment which was responsible for determining those rights.

3.4 The Open Character of Imperfect Obligations

So, let us now look at how O'Neill supports the assertion that imperfect obligations are open and workable independent of any right-claims. O'Neill argues for this openness in two ways; the first of which is in reference to the example of parental duties where parents' imperfect obligations "lack correlative rights because there are so many ways of enacting them" (Pogge

1992, p238). That is, parents have certain duties towards their children but the children do not hold corresponding rights as a consequence or cause of those (imperfect) duties. For example, a parent will have perfect and imperfect obligations (such as special kinds of love) towards their child and if either of these obligations are not realised they will have failed in their job as a parent. Nonetheless, the child in question still does not have a right to the latter type of obligation.

However, Pogge rejects what he sees as implicitly accepted by O'Neill – that is, duties make sense when unspecified, but rights have to be specific by nature. Firstly, he suggests, in the example above we can locate an unspecified right that corresponds to the unspecified duty. For example the right that children might have – held against their parents – to flourish. He also suggests rights such as freedom of speech, or equal treatment as examples of unspecific rights that we use currently (ibid., p239).

Pogge's first point is a fair one, for it is perfectly imaginable to create a special (if rather vague) right for children in relation to their parents only. Nevertheless, here we can concede Pogge's point and still claim the relevance of imperfect obligations but in a weaker way than O'Neill. The example she gives (and Pogge's response) involves special imperfect obligations, as such, any counterpart rights that might be conceived of can more easily be located. Nevertheless, the original point still holds with reference to universal imperfect rights (i.e. those that would relate to basic needs) where locating the counterpart duties is impossible. With regard to the second challenge Pogge makes, here it seems that either some of the rights to which he is alluding would be so un-specific that they would constitute liberties (as specified by Hohfeld 1923) only or that the others such as to freedom of speech or equality are in fact *specific*. Freedom of speech is not an unspecific right as he contends, it is a negative perfect right held against everyone else. It may need explicating in terms of its limits but such an explication is perfectly possible. Likewise with the right to equal free treatment: it may entail further institutionalisation for its enactment but it still remains a specific right.

The second way in which O'Neill sees imperfect obligations as possessing a uniquely open character is based upon the following reasoning: you cannot be obligated to help all

individuals; it is neither in your capacity nor materially possible. Therefore, you are not obligated to help anyone in particular and correspondingly no one has a claim to be helped by you. In other words, although each of the wealthy has a general obligation to help, no one specific amongst the needy has a corresponding claim to be helped, let alone a claim against anyone in particular. Accordingly, this type of normative scenario can be expressed meaningfully through an obligation-based perspective but not through a rights-one, for any right-claims made here will merely be articulating a “manifesto” right, one that cannot be claimed against anyone in particular or guaranteed to be met. Such rights, O’Neill argues, will prove meagre pickings unless there is an actual allocation of the obligation to provide food to specified agents and agencies (O’Neill 1986a, p101).

3.4.1 Pogge’s Imperfect Rights

Pogge refutes this logic and denies the purported “manifesto” character of subsistence rights for a couple of reasons. Firstly, he notes that the distinction between perfect and imperfect was actually derived by Grotius in regard to *rights* (Pogge 1992, p242). To support this idea that rights can be imperfect too, Pogge gives the example of a beggar’s right to his alms (where he is under no obligation to give his alms to the beggar) as an imperfect one. Nevertheless, this sort of right without a corresponding obligation seems to be of little use to the beggar; in fact it gives him no genuine claim at all. Accordingly, such an imperfect right cannot be described as a right in any meaningful sense – it is a right only by name, an empty rhetorical tool.

Secondly, Pogge sees those rights that cannot be met or enforced as perfectly valid; indeed he says, “we even speak of rights that ought not to be enforced at all – the right not to be lied to, for example” (ibid.). Pogge imagines a case where *person A* has a right claim against *person B* but *person A*’s claim can disappear if *person B* instead helps a destitute *person C*. In this instance, Pogge has formulated a right that gives rise to “claims that may disappear *at the discretion of those against whom they are made*” (ibid., p243). He clarifies his point by using the analogy of a number of equally placed creditors all having a legitimate claim against a debtor. Arguing that in such a situation, it is perfectly possible to imagine that all but one

creditor's claims might disappear "these claims are enforceable, but they are also liable to disappear when other creditors seize asserts first" (ibid.).

Two points should be made in response to this. Firstly, it is a strange state of affairs where those who have a right claimed against them – i.e. those with the duty – have the power to make that duty 'disappear'. Surely such an argument only reinforces the importance of starting with duties and those with power. Such a disappearing act merely supports the description of these rights as manifesto rights. Secondly, in Pogge's example the rights that all the creditors have to money are very weak and some may argue meaningless. They are in fact positive rights, and his example nicely demonstrates the problem that we found earlier with them: that they relate to finite amounts and are therefore liable to become meaningless when the finite amount has run out.

3.4.2 Obligation-based principle and right-based principle: compared

Pogge also argues that when formulating a normative principle of redistribution based on obligation, one can demonstrate that a rights-based one will be analogous in its 'realisability'. He argues for the possibility of a universal right that is possessed by every person but whose content is conditional in the same way that the content in O'Neill's duties is. Pogge suggests that O'Neill's type of obligation-oriented reasoning would result in a principle such as: "*Any person, A, has a duty to help any other person, B, just in case B is destitute and A is affluent and A is not already doing enough for other destitute person(s)*" (ibid., p240). Alternatively, the rights-based version would say: "*Any person, B, has a right to be helped by any other person, A, just in case B is destitute and A is affluent and A is not already doing enough for other destitute person(s)*" (ibid., p241). As a consequence of seeing these two principles as analogous, Pogge sees both idioms – the rights-based idiom and duty-based idiom – as having the same potential for normative action, and consequently understands it as merely a matter of context as to which idiom is best to use. Quite contrary to O'Neill's argument that a rights-based perspective is by definition narrower (and hence an unsuitable perspective with which to start) he states that "these human rights and duties may be conceived as coeval: two sides of the same coin, neither more basic than, or grounded in, the other" (ibid., p247).

In relation to this, Pogge argues that there is no reason to believe that a right claim cannot be as context-specific as an obligation-based act. He says that O'Neill's conditionally-based obligations can be easily translated into right-claims where its *content* only is conditional – just as with the content of O'Neill's duty. Furthermore, he argues that if we were to suggest that due to the right expressed being conditional it constitutes a manifesto right, the same can be said of O'Neill's conditional-dependent duty – i.e. it can be described as a *manifesto duty*. Nevertheless, to describe imperfect duties as manifesto duties is to misunderstand the meaning and motivation behind using that term. A manifesto right occurs when someone claims a right but given that no one in particular has a counterpart duty, the right is left empty – it would be equivalent to claiming rights against a table. By contrast, with an imperfect duty, indeed there are no particular counterpart rights nevertheless those proclaiming the duty can still carry out that duty where they see fit. It is true that this process is unsatisfactory until institutionalisation has occurred (in order to clarify where the rights are), but it still makes sense (in that something gets done for someone) unlike with the rights example.

Most significantly however, Pogge asserts that his rights-based principle matches the obligation-based one, in that even in times of starvation, all individual rights are “not being unfulfilled” (ibid., p241). Thus, Pogge says, even if an individual is starving (i.e. receiving no food) and everyone has given all they can, her right to subsistence is not being unfulfilled for, in such an instance the last condition of his right-principle does not hold – that is, everyone is doing enough, or all they can. Presumably, although he does not say it, we can take *not being unfulfilled* to mean *fulfilled*. In which case, to make it more plain, Pogge is saying that that a starving person's right is being fulfilled so long as everyone is “*already doing enough for other destitute person(s)*” (ibid.). However, surely the fact that the last condition does not hold means that the starving person B's right no longer exists; any question of being fulfilled or not becomes redundant. Indeed it is such a type of assertion as Pogge's which highlights the very problem with a rights-based as compared with duty-based discourse concerned with finite resources; it is meaningless, to assert that a starving person's right to subsistence is being fulfilled when clearly they are not receiving any subsistence. In terms of sense, a starving

person's right to food is plainly not being fulfilled by definition, and any theory that comes to a conclusion that states otherwise is concerned with pedantic technicalities instead of meaning.

This last point reveals the core issue behind why we should find obligations more appealing than rights in terms of our basic needs. The *concept of 'obligation' has embodied in it the agent's capacity to do whatever is specified by that obligation*. It is logically false, or at least meaningless to claim for example, that a person has an obligation to fly unaided. An assertion of obligation takes account of the potential of the agent to whom it is addressed. By contrast, claims of rights do not so obviously link agency with capacity. This is particularly the case with rights that are not obviously directed at anyone in particular, that is, with unspecified or imperfect rights. Whereas obligations by nature only involve the capacity of one agent, these types of rights refer to an indefinite number making it difficult to include the condition of capacity to respond to them. As mentioned at the outset when discussing the importance of going from recipient to agency, an inherent appeal within the idiom of duty is that it encompasses as part of its logic one of our underlying precepts: 'ought implies can'.

3.5 General Critique of Obligation Theory

3.5.1 Agency as problematic

Jones questions however, whether we can actually start with agency and obligations. He says that given that we are commencing our normative framework by looking at the individual and her interest (or, in our case, her needs) it is ultimately from *her* perspective that any principles of justice will derive. In other words, we cannot just change from recipient to agent, because it is from recipient that we derive the concept of agency and obligation; "the most plausible reason for saying that we have obligations in a given instance is that those obligations protect or promote the interests of those affected by the actions under consideration" (Jones 1999, p99). Jones's contention is that we explain the purpose of duty from the perspective of how it relates to interests (or needs), of which rights are the expression; correspondingly interests or needs, and the rights derived from them, come morally prior to, and are necessarily explanatory of, obligations.

This point is made well and is appealing initially, nevertheless although it is indeed the case that we are starting with the needs of an *individual* with regard to personhood and in that sense the needing individual is a central orientation point to our thesis, it does not mean that we cannot look to those with the capacity for answering those needs when searching for an appropriate normative framework. We have started with two basic individualistic needs in order to create a principle which is 'generalisable' for humankind, it is therefore a somewhat negligible point to dispute focussing on the agents rather than recipients once one is satisfied with our contention that by doing the former we have opened up the widest possible means of satisfying needs. The assertion here is, in support of O'Neill's argument, that whilst starting with rights is unnecessarily narrow, starting with obligations not only reveals the existence of imperfect obligations but also addresses the members of humankind who might be able to satisfy some of those needs.

3.5.2 Indeterminacy and potential for collective duties

Ruth Macklin (1976) disputes the notion that looking at obligations in this way helps shed light on where and how obligations, rights and needs might be related. She looks to examples of positive rights in the Universal Declaration of Human Rights (UDHR) and notes that "if we cannot gain agreement on whether or not persons have a *right* to health care, or to welfare or other social services, how can it be any easier to answer the question by framing it terms of the duties of government or other agencies?" (Macklin 1976, p35). However, here Macklin is ignoring the openness of imperfect obligations and instead just questioning the ontological reality of right-claims. Whereas, within our needs-framework we are working with a type of moral cogency that has already been determined (through the first Part of the thesis and in section [1] above) as valid in its impetus to make some form of normative claim – in which form has yet to be determined.

Jones charges our type of theory with ignoring the role for *collective* duties; consequently, he sees the distinction made between obligations and rights as superficial. In attempting to determine where the duties lie in response to subsistence claims, he suggests that the answer

is a collective counterpart obligation, where everyone has the corresponding duty to every individual's right to food. That is, there exists by consequence of subsistence rights a shared obligation to protect vital interests that must be "fairly met by everyone, and this in turn means that, *ceteris paribus*, the obligation should be met by everyone equally" (Jones 1999, p94). A related problem that Jones has to this is with the indeterminacy that a framework of duty brings with it. He comments that the openness of O'Neill's obligations to assist is problematic, and states that the theory is not specific enough about the positive duties involved in helping. Correspondingly, he argues, it is dangerous in that it leaves too much up to individuals and their judgement. Instead he avers that a satisfactory account of international obligations should detail the precise positive duties entailed, thereby ruling out some of the options left open by O'Neill's account.

It is unclear how helpful Jones's first point – his advocacy of collective duties – is. Although, as with imperfect duties, an identification of collective duties will practically mean an institutionalisation of duties, in terms of meaning it is problematic. Just how everyone can owe everyone material goods is quite unclear and it is for this reason that we have used obligations as a starting point instead of rights. Both cases will end up with an institutional distribution of positive duties and counterpart rights, but the path of getting to that end only has meaning with obligations. This point goes some of the way to refuting Jones's critique that if our needs are so crucial, it is bizarre to come up with a theory that results in an obligation to meet only some of the needs of only some people and only some of the time (*ibid.*, p96). The point with an obligation-based perspective, is that it claims only what is possible. If needs constituted a more abstract type of moral demand – one that did not involve finite material goods which relate to *amounts* – then it would be preferable to incorporate them into questions of perfect obligation or right, but as has been shown, it is conceptually incoherent to do so, and as such we must be satisfied with a more unspecified moral obligation. Inevitably there will be limitations in terms of who and how much people can give, for that is the very nature and inherent problem – underlying all debate throughout this chapter – of any normative principles dealing with finite resources. Nevertheless, by concentrating on agency we are ensuring that the maximum will be done, for as argued above, the concept of duty has within it the notion of capacity. It is for this reason that O'Neill objects strongly to the concept of material rights,

seeing them as merely empty rhetorical tools – tools which could be understood as a bitter mockery to the most needy, for whom they will matter most (O’Neill 1996, p133).

Furthermore, in terms of indeterminacy, with a clear understanding of what we consider basic needs, we already supply the grounding and limitations of imperfect obligations. What the theory does not do it is true, is outline the positive duties that will arise by consequence of institutionalisation. Nevertheless, this is possible to do and will be part of the tasks of our next three chapters, where we will endeavour to work out – in view of our basic needs and corresponding duty-based framework – what the obligation-principle will actually say and how it will direct institutional and state redistribution.

SUMMARY

Before going on to do this, we should first just summarise what we have established in this chapter. We dedicated section [1] to articulating how a (distributive) principle of justice comes out of the assertion that there is a basic need for autonomy and freedom as a prerequisite of moral action. We also showed that this would be a universal principle. Having established its existence we then went on to look at how this principle would be best expressed in terms of rights or obligations. We started this task in section [2], where we looked to the rights framework in order to see whether it might be possible to frame the normative claims made by needs through rights. We addressed the traditional dilemmas that subsistence rights bring by examining the notion that all rights are positive anyway and that subsistence rights could be seen as negative. We nonetheless found that the problem still remained: i.e. in order for rights to be meaningful they have to have counterpart duties, yet when it comes to material rights it is not possible to determine those counterpart duties or where they would be located. Having thus rejected the rights framework, we then looked to a framework of obligation instead (section [3]). Here we found a broader framework that included a type of duty – imperfect duty – that was not identifiable under the rights idiom. Thus, we explored the potential role of imperfect duties to articulate our needs-based principle and found this to be a more promising framework to work within.

We can now take this obligation-based framework and use it to establish the exact formulation and wording of principle derived from our understanding of imperfect duties and how it relates to distribution, whilst correlatively examining where our normative theory of need will lie within the area of international ethics. That is, whether addressing our needs will be a matter of justice, of charity or whether the distinction becomes irrelevant. It is this task we shall turn to now.

CHAPTER 4

The Needs-Based Global Principle of Obligation

INTRODUCTION: NEEDS AND MORAL OBLIGATIONS

In the last chapter, we determined that imperfect obligations were the most appropriate tools with which to articulate our universal need-based principle; the task of this chapter therefore, is to develop this framework of obligation so as to explicate just how our particular need-based universal principle of obligation will be formulated. We shall do this by considering some existing theories concerned with responding to needs through *a priori* moral principles of obligation. This will entail starting where we left off – by looking at O’Neill’s Kantian theory of obligation and need. When looking at O’Neill’s framework, we will also use Gewirth’s non-constructivist neo-Kantian model, which as we have already seen (in section [1] of the last chapter) helps provide part of the grounding for the universalization of our principle in the first place. We will then go on to consider David Copp’s principle of basic needs and Brian Barry’s theory of vital interests. By looking at this range of theorists, the hope is that we shall be able to critique, identify and combine aspects of principles that work in terms of our framework so that we can, by the end of the chapter, formulate a need-based principle of obligation. Whilst detailing the work of these theorists we shall be concurrently questioning the role that a distinction between justice and humanity plays in defining the character and implications of our *a priori* moral principle of obligation. We will be looking in particular at the relevance of the distinction with regard to the issue of enforceability and coercion, examining the potential conflict between the need for an absence of coercion and the necessity of enforcement. Let us start then, with where we left off at the end of the last chapter: with O’Neill’s theory of need-based obligations.

1. A KANTIAN CONCEPTION OF NEEDS-BASED OBLIGATIONS

1.1 O'Neill's Theory of Needs-Based Obligations

There are a couple of reasons to start with O'Neill: her theory is both Kantian and needs-based, and imperfect obligations lie at its centre. Accordingly, by looking at the construction of her obligations, we can see how resilient imperfect obligations are as a tool with which to meet needs, we can discuss issues surrounding enforcement and coercion as well as taking a look at the relationship between justice and humanity (since she incorporates both), helping us consider in which of the two realms our needs-based principle resides.

As a result of her concern with needs and her determining the inadequacy of a rights-framework as capable of articulating those needs adequately, O'Neill develops a theory of obligation based on the Kantian Categorical Imperative (CI). This mechanism – which articulates an inherently cosmopolitan vision of ethics, understanding all persons to share a single moral universe based on their capacity for rationality, requiring equal consideration in the formulation of any moral principle – is taken by O'Neill and used to construct a theory of justice and beneficence that combine to make an obligation-oriented theory of international ethics. What is innovative about O'Neill's theory and interesting from our perspective is that she wants to use the Kantian CI as a tool for determining whether any proposed maxims could be acted upon not just by individuals but by social agencies also – such as international organisations or states. Applying the CI to international organisations is an important move within the search for the transformation of welfare structures (Hutchings 1999, p52); for, as O'Neill remarks, “any discussion of international distributive justice needs to take account of the diversity of capacities and scope for action of these various agents and agencies, and the possibility and limits of their transformation” (O'Neill 1991, p278). Thus, through O'Neill's widening of agency for obligation bearers, she incorporates and focuses upon the ethical responsibilities of those agents capable of, and intrinsic to, change: international institutions, non-governmental organisations, corporations, as well as individuals and states.

Constructing a theory of obligation: the Categorical Imperative and its four formulations

In terms of constructing a theory of universal obligation O'Neill initiates her theory in a similar way to us: with the notion of human finitude. Expressing this finitude in terms of human needs, she correlatively argues that human obligations must recognise these needs, and that a Kantian account of principles of imperfect obligation reflects human finitude (ibid., p298). Through her interest in the material vulnerability of the needy individual, O'Neill stresses the idea that we must account for the idea of vulnerability and needs in the conception of the individual, by seeing "human beings not as abstract or ideal rational choosers, but as finite and vulnerable rational beings" (O'Neill 1986a, pxiii).

O'Neill starts with the insistence that everybody should have the same primary obligations in line with the equal status of individuals, whilst correlatively asserting that it only makes sense to assume that everyone should act only on principles that can be acted on by all when we correlatively have the ability to assist those whose abilities are insufficient or failing (O'Neill 1988, p67). She avers that "this thought can be expressed in a different way by aiming to construct principles of obligation that could hold for all human beings" (ibid., p78); that is, a universalizing construction principle – or the *Formula of the Universal Law* (FUL) of the CI. So, along with Kant and as a result of using the FUL of the CI as a test for important maxims within the normative international realm, O'Neill takes non-coercion and non-deception to be two perfect obligations of justice and considers these two notions as centrally significant because the nature of needy individuals means they are particularly vulnerable and open to coercion and deception (O'Neill 1986a, 1988). She says, "any just global order must at least meet standards of material justice and provide for the basic material needs in whose absence all human beings are overwhelmingly vulnerable to coercion and deception" (O'Neill 1986a, p141).

In light of her perception of human action as vulnerable, O'Neill asserts that injustice remains even when the principles of non-coercion and non-deception have been followed. Human action remains so both because persons who live in a state of justice can still be unable to act without the assistance of others, and institutions abiding by the principles of justice can still fall short of their obligations (ibid.). Individual action needs certain things and correlatively, any such maxims that deny access to these certain things are morally impermissible since they will

fail the universalizability test. That is, “any agent whose fundamental maxim is to disrespect, to refuse help or to neglect talents acts on a nonuniversalizable maxim, so violates obligations” (ibid., p142). Thus, there is a Kantian imperfect obligation to help the needy in those matters that exist outside the realm of justice, which constitutes principles that are *supplements* to just action. They are not optional or praiseworthy; they are compulsory, offering an incomplete account of what is owed – as an extra to perfect principles of justice (O’Neill 1988, p82).

One issue that might undermine the persuasiveness of O’Neill’s principles of beneficence however, is this reliance on the universalizing construction for its legitimacy; when, according to William Aiken, “it is not clear how the fact of our agency being contingent upon material conditions can introduce the obligations to assist others by no other appeal than to the universalizing construction” (Aiken 1988, p88). In order to determine whether a principle can be adopted one has to test whether it is self-contradictory and whether it destroys the agency of its victim. Aiken argues however, that a principle of non-benevolence can be universalized because it is neither contradictory nor does it destroy an individual’s agency. Aiken maintains therefore, that the principle of non-benevolence is an equally legitimate candidate for a maxim upon which to act. Accordingly, O’Neill “fails to establish a paradigm of wrongdoing because O’Neill has not derived the obligation of benevolence from her universalizing construction” (ibid., p89). Nagel offers a related criticism of the universalizability test; he argues that any time the maxim involves a situation where there is a conflict of interests – between a rich and a poor person, for example – the test will fail as it will be “generating a contradiction in the will when one tries to will its universalization” (Nagel 1991, p43).

This critique reveals the inadequacy many see of a theory, such as O’Neill’s, that ignores the various other formulations of the CI, relying instead solely on the FUL of the CI – where the FUL is understood to be largely formal without much content. Although Kant himself claimed that all formulations of the CI are equivalent (Kant 2002, p236 §4:436) he does not say in what exact sense; nevertheless all formulations can be taken to generate the same obligations, and reference to the three other formulations, particularly *Formula of Humanity* (FH) for many, provides greater content in meaning (Nelson 2008, p85).

The FH states that we should always act in a way that treats humanity (not human beings themselves, but the humanity contained within them) not ever solely as a means but always as an end in itself. Crucially for us, 'humanity' describes the group of attributes which make us intrinsically human; which for Kant includes the capacity to identify and pursue one's own ends and to engage in self-directed rational behaviour – and which, from our needs-based perspective is described by a capacity for autonomy as constituted by basic needs. Although not stated as an imperative as in the other formulations, the next formulation of the CI, the *Formula of Autonomy* (FA), is “the idea of the will of every rational being as *a will that legislates universal law*” (Kant 2002, p232 § 4:432), that is, we should act so that through our maxims we could be a legislator of universal laws. Although it appears similar to the FUL, rather than conceiving agents in terms of those who comply with the moral law, this formulation concentrates on an agent's role as a universal law *giver* that is the source of the very dignity of Humanity described in the FH. Kant develops the core idea behind this FA into another, final formulation, the *Kingdom of Ends Formula*, in which he expands the idea of autonomy. This formula, favoured by a number of Kantians (e.g. Rawls 1971; Hill 1992), could be understood to introduce a social aspect to Kantian morality relating to a kingdom of ends – a “systematic union of different rational beings under common laws” (Kant 2002, p234 § 4:433). This formulation is intended to state a “complete determination of all maxims”, maxims “which stem from autonomous lawgiving are to harmonize with a possible kingdom of ends and with a kingdom of nature” (Kant 2002, p237 §4:436). Accumulatively then, once understanding the CI in terms of the different emphases articulated by its various formulations, we get a fuller understanding of its encompassing humanity and dignity.

1.2 Problems of Indeterminacy and the Need for Enforcement

Whilst O'Neill's theory – like Kant's – maintains a strict understanding of a distinction between justice and beneficence, it encompasses both in order to guarantee subsistence needs being met. Her concept of justice demands institutional change that should help prevent the needs occurring in the first place, and her concept of humanity will account for what justice fails to do 'needs' wise. In presenting a theory that concentrates on *obligations*, O'Neill considers that we avoid needing to create “so sharp a distinction between obligations with and without

assignable bearers and claimants” (O’Neill 1986a, p103). Correlatively in terms of effect on obligation, a differentiation between actions of justice and actions of beneficence need not be made; for, imperfect obligations are still obligations.

However, those concerned with the importance of needs might find the indeterminacy of an imperfect obligation intended to answer them unsatisfactory. Indeed, Aiken worries that the indeterminate nature of these imperfect obligations allows selectivity in the discharging of them; “the governments of rich nations would not instigate radical structural changes on grounds of benevolence” (Aiken 1988, p86). There are two issues here. One is the reality of the probability of compliance without enforceability; the other is the issue of sovereignty and coercion. Aiken raises these issues in response to O’Neill’s theory, but we can look at them here in terms of our own, given that we rely on imperfect obligations, enforceability and place non-coercion at the centre of our basic need for freedom from external control. We shall look at the second element Aiken raises in more detail below, but we shall begin with the issue of compliance and enforceability.

1.3 The Role of Enforcement in terms of Justice and Humanity

The issue of compliance, which is raised in terms of imperfect obligations, tends to arise because those who worry about it see imperfect obligations as unenforceable. Indeed, the issue of enforceability of imperfect obligations is interesting in that it underlines much of the disagreement on the obligations accorded with welfare and is entrenched and articulated by the firm distinction drawn by many between the concepts of justice and humanity (Buchanan 1987). Where, the argument is that imperfect obligations are unenforceable and as such a matter of beneficence. Accordingly, we might discuss this issue of *enforceability of imperfect obligations* with particular reference to our own requirements, and those categories of justice and humanity, assumed by O’Neill and Kant to be both concrete and meaningful.

Throughout the debate surrounding the types of obligations there should be in response to basic needs, the categorisation of justice and humanity as labels with presumed implications are continually being applied. Although justice is sometimes held to “include all morally

relevant criteria of distribution and even all principles of social morality” (Campbell 1974, p2) most theorists have a more specified definition of justice in mind when using the term. There are a number of different interpretations on the distinction between justice and humanity and disagreement on whether there is a meaningful distinction to be made at all. Although the distinction is often understood as fundamental in ethical theory, there has been little work done to articulate the meanings and positioning the concepts are given. The definitions of both terms are unclear and humanity is often taken as analogous to ‘charity’ and ‘beneficence’ (for the purpose of the thesis we shall assume the accuracy of those analogies).

There are a number of ways that justice and humanity are differentiated but the one of concern here is the widely held view that obligations of justice are *perfect* and those of humanity *imperfect* (Mill 1962; O’Neill 1986a; Kant 2002) and as such the *enforceability* of the latter is called into question. It can be contended that the “indeterminacy of imperfect duties make them unsuitable for enforcement since attempts to enforce them would be afflicted by abuse and arbitrariness and would lead to highly unpredictable intrusions” (Buchanan 1987, p569). Accordingly, it is widely held that all obligations of justice will have correlative rights (Vlastos 1962, p53; Raphael 1970, p48 & p90) and obligations of justice in terms of rights are distinct in that they are directed towards someone specifically – the right-bearer – and in a distinctive way. Thus, if it can be shown that obligations of humanity cannot be enforced or that in the absence of a right, an obligation cannot be enforced there will be troublesome implications for our theory based on imperfect obligation.

Nevertheless, Allen Buchanan suggests ways in which we might start with an imperfect obligation of humanity and make it enforceable without presuming the pre-existence of corresponding rights. Indeed, he feels that “the thesis that only those duties having correlative rights may be enforced is a very sweeping yet too rarely questioned claim” (Buchanan 1987, p562). Buchanan uses the concept of collective goods – where ours would constitute those goods needed to answer basic needs – to indicate instances when we might think it morally correct to institutionalise and enforce imperfect obligations. As with our needs, the collective goods Buchanan mentions (for example clean air and defence) initiate a claim for justified enforcement of obligations which contributes to the realisation of these goods and “does not

appear to rest either implicitly or explicitly upon the assumption that there is a right to the good in question” (ibid., p562). The enforcement of this obligation would involve “the establishment of institutional arrangements for fairly specifying, distributing, and enforcing obligations to aid” (ibid., p570) and allocating specific rights in response to needs. In other words although no rights were involved in legitimating enforcement, “once such institutional arrangements are in place a revision should take place in our conception of what others have a moral right to” (ibid.). As such, we have a non-rights-based argument for the enforcement of imperfect obligations that justifies institutionally created rights¹⁵. Thus, even though it might be a good idea to establish certain allocated legal rights to specified goods *after* institutionalisation, the moral justification for enforcement itself demands no such rights for its legitimacy. Indeed, if there were such rights, they could not have been of a coherent nature since they pertained to finite goods without specified allocation (as discussed in Chapter 3).

Indeed, it is worth pointing out that whilst imperfect obligations require specification and cannot be owed to all, they *are moral obligations nonetheless*, and as morally fundamental and exigent as perfect principles are. Our theory’s requirement of specification through explicit institutionalisation and allocation of rights is something Copp appeals to in his discussion of where the obligation to meet needs should be placed. Copp looks to the notion of ‘ought implies can’ to show why these obligations require institutionalisation. He suggests that the principle of basic needs does not only require the provision of help for the needy, it also “requires achieving a condition of the society as a whole [...] this duty is not plausibly viewed as falling on individuals, except derivatively” (Copp 2005, p45). That is, it is not in the power of individuals to realise these obligations on their own, thus only institutions or states ‘ought’ to as only they ‘can’.

Significantly, this capacity to derive rights from institutionalisation would appear to undermine the relevance of making any meaningful distinction between justice and humanity based on perfect/imperfect obligations. Whilst it is true to say that our institutionalisation process does

¹⁵ This notion demonstrates the circularity of the non-enforcement issue as a definitional aspect in the differentiation between justice and humanity. For, if obligations of humanity can be enforced through institutionalisation, their supposed unenforceability cannot mean they are not issues of justice (Buchanan 1987, p570).

not contradict the view about humanity as involving only imperfect obligations – for although no longer imperfect (after institutionalisation), they are also no longer obligations of humanity but matters of justice – this way of structuring obligations “trivialises” the thesis; it indicates there to be no “fundamental distinction in ethical theory, but, rather, a shifting one which changes as our institutions change or as we move from one type of society to another” (Buchanan 1987, p571). As such, the assertion that in the absence of correlative rights obligations cannot be enforced is without merit from our perspective, and we can rest content with the possibility of institutionalising the imperfect obligation to respond to needs. We can also provisionally note that any distinction between justice and humanity based on the enforceability of imperfect obligations and the absence of rights is misconstrued and fails to provide much insight into the implications of the distinction.

1.4 Imperfect Obligations and the Problem of Coercion

There are those however, who argue, independently of the capacity to derive rights from institutionalisation and therefore ensure enforceability, that the case for justifying the enforcement of imperfect obligations fails because it does not take account of the right not to be coerced as a fundamental perfectly negative right of justice. This point re-introduces the second aspect implied by Aiken’s observation above (that states would not abide interference of the sort implied by these imperfect obligations): the conflict he sees between O’Neill’s perfect obligation of non-coercion and the interference in another state’s sovereignty required by principles of beneficence. Whilst our theory has no perfect obligation of non-coercion, we will recall that one of its basic needs, the need for freedom from external control, concerns the need to be free from coercion, and in so doing can be targeted directly by Aiken’s critique. Aiken wonders how we can coerce countries into creating suitable systems of distribution in order to have the needs of a citizen met only in terms of imperfect obligations. He notes that “on Kantian grounds, it is hard to see how the obligation of benevolence could override the perfect obligation of justice” (Aiken 1988, p87). Furthermore, Aiken wonders how a just international system could get those who own land to give some of it up in order to meet another’s needs in the name of imperfect obligations, when the ownership of that land derives from a principle of right as a matter of justice. Moreover, it can be argued that this element of

coercion and intervention is even more consequential if one considers that different cultures hold very divergent attitudes to needs and poverty. Aiken suggests that “there are many cultures that do not share our intolerance for life-threatening poverty; rather, they see it as part of the metaphysical order of the world” (ibid.). In view of this, persuading or even forcing such cultures to implement a satisfactory system of distribution of goods in terms of needs would amount to a form of cultural imperialism. He asks: “will an imperfect obligation of benevolence ever justify such paternalistic changes?” (ibid.).

With reference to the specific charge of paternalism: the contention is that if one has convincingly shown that to neglect these needs is *universally illogical*, as was the aim of the first section of this thesis, then the charge of paternalism is revealed as specious (also, we will recall that the charge of paternalism was explicitly addressed in §1.3 & §1.6 of Chapter 2). It becomes a matter of either: disputing the accuracy of the observation that there *are* many cultures who are impervious to poverty; or of our asserting the misguided nature of those social systems which are content to live with people starving due to their supposed inferior position in the world and the religions who – according to Aiken – would not prevent dying as it is understood as part of a reincarnation process (or infinite after-world). Neither the cultural stance nor religious perspective as described is acceptable; the society built on a caste system that premises itself on inequality between people goes directly against the equality that we have attempted to show as inherent through an articulation of need. The religious arguments of those who are comfortable with death (and presumably the lengthy starvation process, debilitating disease or whatever else it might take to get there) are incommensurable with our whole project. The project here is based upon a naturalistic understanding of the world, where only the reality we know is used to inform our theory, and not worlds that have never been proven to exist.

On the issue of sovereignty and the implementation of the needs-based principle, whilst we will spend the next chapter analysing the moral value of state sovereignty, and as such cannot pre-empt the debate on the role of coercion specifically in relation to states, what we can say on sovereignty is that, as has been made clear throughout, needs take priority, and it is through the realisation of needs that we will judge the *moral cogency of state sovereignty*.

Moreover, in terms of our theory of obligation, whilst there is an *individual* basic need for freedom from external control (that is, a need to be free of compulsion, coercion and deception), within that theory states have no such needs giving rise to principles. Accordingly, at this stage at least we would be reluctant to see the state as having the type of agency that can be subject to coercion in the way that it has been understood in this thesis¹⁶. Nevertheless, the details of this debate on state agency will be explored in the next chapter and should be left until then.

Whilst he is primarily concerned with coercion of states, what Aiken's point *does* highlight is the role of coercion upon the *individuals* within those states that the type of redistributive principle of obligation we are here suggesting would involve. In line with this, the libertarian will argue that the imperfect needs-based obligation cannot be used to justify an infringement on the fundamental perfect right not to be coerced. According to this reasoning, any enforced contribution or obligation to redistribute would need to derive from the existence of a moral right to the goods in question – rights that in our third chapter we determined did not exist. For Libertarians then, imperfect obligations that threaten to override perfect obligations *not to coerce* cannot outweigh the right to non-coercion and cannot be enforced.

Now, in general we can respond to this libertarian critique by pointing out that: since we have established that the moral status of a basic need-claim is fundamental and comes as an antecedent to all other types of claim, it is logical therefore to suggest that need-claims have enough moral pull to override a negative perfect right of whatever kind. However, the problem for us here is that one of the two basic needs, the need for freedom from external control, involves the absence of coercion. As such, whilst we have shown that a needs-based imperfect obligation *can* be enforced (through institutionalisation giving rise to rights), that enforcement may threaten the basic need for freedom from external control thereby creating an internal inconsistency within our framework of obligation. So, if it can be shown that enforcement entails coercion, this will indicate a potential inconsistency between having a basic need for

¹⁶ An argument that might be offered at this point is one of Walzer's; which states that coercion of states implies coercion of individual autonomy given that state autonomy is expressive of collective individual autonomy (Walzer 2007). However, such a connection between individual autonomy and state action will be examined in Chapter 6 in detail when looking at the necessary transformations required for the state in order that it successfully translates collective autonomy at the international level.

freedom from external control and the *enforcement* of obligations to realise both it and the other basic need for autonomy. We should look at this issue now.

1.5 The Demands of Freedom: Enforcement versus Coercion

To be clear, the argument is that the necessary measures to realise freedom from external control would be those of a libertarian nature – the minimal level of interference with others, politically and economically – far removed from those required by a dualist conception of autonomy. As Aiken points out in terms of O’Neill’s thesis, “if we are only to avoid deceit and coercion, then it would seem that genuine *laissez faire*, which is a complete severance of relations with others, would satisfy the demands of justice” (Aiken 1988, p94). The problem for us is that the principle of obligation to ensure the basic need for autonomy requires more than libertarian measures; it will most likely (though not by definition) require institutional intervention in order to enforce redistribution of the goods necessary to achieve autonomy (e.g. resources for healthcare and education). On the face of it, this would seem to present us with an irreconcilable conflict inherent to the demands of the two basic needs guiding any principle of obligation. The question is, however: is the contended conflict raised here based on a different understanding of what freedom from external control means to ours?

1.5.1 Requirements for freedom and autonomy as complementary

Well, by way of starting a response to this, we will remember that the basic need for freedom from external control is defined, along with the absence of compulsion and deception, in terms of an absence of coercion. It will also be remembered that part of the definition of this freedom was understood in terms of relational power imbalance (see §2.4 in Chapter 1). That is, compulsion, deception and coercion were all seen to rely upon an imbalance of power for their cultivation. The threats involved in coercion, or the bluffing threats involved in deception for example, can only occur when the person threatening has sufficient dominance over the coerced/deceived to give that threat meaning and weight. The notions of compulsion, coercion and deception all articulate some degree of unequal relational positioning between people – where the coercer, deceiver or the violent (compeller) have dominance over their subjects –

and as such describe the vulnerability of the coerced/deceived/compelled as the necessary reciprocal condition. As such, the need to be free from external control actually requires a transformation in political and economic relationships so that there is no type of power imbalance that would give sufficient grounds for possible coercion, compulsion or deception. Consequently, freedom from external control, contrary to what would be supposed on the face of it, *actually demands* intervention where necessary to resolve relevant power imbalance, part of which will include the same goods necessary for achieving autonomy. It might still be said however, that whilst the two basic needs – freedom and autonomy – can be shown to work together in terms of their demands, there is still a prioritisation with the welfare conditions that autonomy entails; where freedom is valued so long as it does not stand in the way of welfare concerns (Den Uyl & Machan 1984, p173). In direct response to this charge of prioritisation, it can be noted that the basic constituent needs of autonomy should help alleviate the type of individual vulnerability that is required as a condition for coercion to occur. For example, ensuring that everyone has their need for mental competence met should help make coercive forces less effective. Likewise, freedom from inhibitory ill-health will be important to create equality in opportunity. Indeed, the contended conflict that arises between the need for freedom and the need for autonomy is dependent upon a certain conception of freedom and coercion. If the types of physiological limitations to action described in Part One of the thesis are accepted then the concept of coercive force also changes. In Chapter 1 we understood external coercion as not the only limit to action; unmet physiological needs were also conceived of as representing a (internal) coercive force (Chapter 1, §1.3). Accordingly, freedom from coercive forces will necessitate some redistributive interventions: both to target the autonomy required to help individuals avoid external control (through education and political equality for example), and to help alleviate the coercive forces of their physiology (through enabling individuals to meet their basic physiological needs). Consequently, the types of conditions the basic need for freedom entails work in tandem with an acknowledgement of the constituents of the need for autonomy.

Of course, if the libertarian does not accept the premise that certain goods are necessary in order to become a moral actor then she will not accept that anything more than pure non-interference will be required as a matter of justice. However, if she does accept the premise

then it is logical to correlatively recognise a greater field of distribution and that enforcement is necessary to ensure the enablement of freedom and autonomy. For, as O'Neill argues, in terms of the international, "the powerful nations and institutions that determine conditions of manufacture, credit, and trade for the poor world do not practice *laissez faire*; these actors fix the conditions of life and survival for others" (O'Neill 1988, pp80-1). This point reiterates the issue of relational power and dominance in the understanding of coercion. So where, a libertarian sees freedom from coercion as being realised by non-interference, an understanding of coercion as involving dominance entails the possibility of it existing under *laissez-faire* principles.

1.5.2 The difference between 'enforcement' and 'coercion'

A further issue to mention on this contended contradiction in using enforcement to prevent coercion is to note the difference between *enforcement* and *coercion*. Douglas J. Den Uyl and Tibor R. Machan distinguish between force and coercion, arguing that force is morally legitimate and coercion not. In fact, they make this distinction through the example of forcing an observance of negative liberty through retaliatory/punitive force and welfare distribution through coercion. They argue that retaliatory/punitive force constitutes a legitimate means by which a state can protect basic freedom; whilst coercion on the other hand is used by the state to implement requirements of welfare where it intervenes and attempts to extract goods that have been legitimately earned "through the use of threat of *coercive* force – an unprovoked, uninvited, unjustified use of force" (Den Uyl & Machan 1984, p176). However, this seems to be an arbitrary distinction when made in this way. Firstly, it is not true that states interested in protecting negative freedom only retaliate in the way that Den Uyl and Machan describe; punitive force is often used as a threat to other citizens, as a tool of deterrence for citizens tempted to harm others. Moreover, to describe coercion as unprovoked, uninvited, and unjustified in the context of state redistributive intervention seems to assume that principles demanding any type of redistribution are inherently unjust. In other words, they seem to be making a distinction between enforcement and coercion in terms of the principles of justice they *approve of*, rather than saying something meaningful to distinguish the two and *then* applying it to libertarian principles versus redistributive principles.

Den Uyl and Machan talk about the illegitimacy of taking goods from someone who has produced them justly without interfering with anyone else; but the illegitimacy of redistributing that person's goods is only real if one rejects the needs-based principle in the first place. This is not a reason for calling it coercion; one might describe as coercive any sort of government, including a night-watchman version only protecting citizens' most basic negative liberty, if one rejects the principle that any form of state intervention is just. Within a basic needs framework, the redistribution of goods is not unjust because that redistribution is demanded by justice thus it is not conceived as 'taking' from people but giving to people what is rightfully theirs.

Despite Den Uyl and Machan's misconception of coercion distinct from enforcement through the parameters of distribution and negative freedom, as noted just above, there does seem to be a meaningful distinction to make. The fact that there is a distinction, surely is indicated by the fact, as noted above, that freedom from coercion does not just happen, it needs guarantees – for example, rights and liberties – and these guarantees need to be *enforced* in order for individual freedom to be guaranteed. As such, there is, by the very requirements of freedom from coercion, a *difference* between coercion and enforcement.

As will be recalled, the concept of coercion determined in Chapter 1 presented coercion as problematic in so far as it leaves no reasonable option for the individual who is being coerced; in other words, the alternative a coercive pressure offers is so *unreasonable* that it is rendered *ineligible*. That is, there ceases to be any choice over action. When understanding coercion in this sense, it can no longer so easily be conflated with enforcement of a principle of justice. Of course, it might be argued that the ultimate penalty for not going along with an enforced redistributive principle of justice is so high that it is not actually an eligible choice (e.g. imprisonment), however, a differentiation between enforcement of justice and coercion can nevertheless be made at many of the lower levels (such as paying tax).

There was another significant element of coercion that was determined in Chapter 1: arbitrariness. Coercion was understood primarily as embodying a personal whim, motivated by

personal interest. We saw that coercion involves one person supplanting their will on that of another to impede the originally intended action. In this sense then, it is arbitrary insofar as it has no universalizable reasoning behind its motivation and is reliant on unequal power between parties. We can contrast this understanding of coercion with the enforcement of a need-based principle of obligation; this obligation is enforced non-arbitrarily, where the enforcement is both universal in application and the reasoning motivating it also universalizable. Indeed, in consistency with the Kantian dimension to our theory, one can suppose consent to any obligation-driven interference is given: since *consent can be understood as attributable to the rational agent insofar as she accepts the logical arguments which give rise to the needs-based principle*, and as such, that agent will not see any obligation to redistribute her assets as coercive or violent in restricting her freedom (Gewirth 1978, p254). Indeed, this works in conjunction with what was specified in Chapter 1, when we noted that coercion is unproblematic if the interference in question works in line with the coerced's will. We concluded that such interference could be discounted as part of our conception of coercion. In sum, the needs-based principle of obligation (and the interventionist measures it might involve) is not motivated by personal interest favouring certain parties, is demanded as a matter of justice and consent can be attributed to it in so far as it expresses a logically universalizable principle. Moreover, freedom from coercion should be comprehended as a more complex notion than representative simply of the absence of external interference; it should also be understood in terms of the physiological limitations of the human in the context of action, and in terms of external institutional provisions to ensure people are free from coercion. As such, the enforcement of a needs-based principle of obligation can be distinguished from coercion and the need to be free from it.

The tension described here between the requirement of freedom from coercion and the more interventionist requirements of autonomy reflects a broader tension that runs through ethical thought. Indeed, this tension provides an undercurrent to normative theory of action. That is, the paradox that arises once we gain a proper understanding of what action entails, once we understand that control is not just an external force to be eliminated but an internal one which will likely call for intervention. There is thus a certain amount of intervention required to ensure moral autonomy, but not so much meaning that individuals are no longer free enough

to be considered moral actors. This discord is made explicit in the debate between the libertarian and outcome-egalitarian or Marxist, where at one end we have the view that everyone has a right to not be coerced limiting interference to a minimal night watchman state only; on the other we have an outcome egalitarian wanting as much interference as required in order to redistribute goods regardless of individual volitional action. Neither position seems to present a coherent account of the balance between their assumption of moral responsibility and the sometimes limited and coercive nature of the human body and mind. Precisely because of the gulf that lies between the demands of moral responsibility and the inalterable nature of human needs there is an inevitable conflict; indeed, it is this conflict that provides some of the motivation for the project here in the first place, where the purpose of the thesis is to provide a reasonable balance between the two.

A last point worth noting on this issue is that the enforcement of redistribution might not be as extensive as some libertarians worry. Whilst we should probably leave discussion of this until we are clearer on precisely what the needs-based principle of obligation states, we might note at this time that more moderate libertarians such as Friedrich Hayek (with his negative income tax), do think it extremely implausible that the types of measures that a concern with basic needs (e.g. such as a decent minimum income) will involve “will always or even generally result in unacceptable intrusions into individuals’ lives” (Buchanan 1987, p560).

In summary then, by starting with a look at O’Neill’s need-based theory of obligation, we have shown the possibility of enforcing the needs-based principle of obligation and concurrently shown that enforcement does not conflict with a concern with non-coercion as a constituent need. We have established our imperfect obligation to derive from a universalizable maxim of giving help to those who are needy, and have determined it as a principle, which like O’Neill’s should direct itself at international institutional forms for realisation. We also saw that absence of correlative rights prior to that institutionalisation does not undermine the power of the principle as enforceable. We are now in a position to move forward to articulate the precise formulation of the principle itself and its limitations. We should turn to that now

2. COPP’S BASIC NEEDS PRINCIPLE

David Copp is another theorist who bases his theory of moral obligation on the normative relevance of need. He too is concerned with needs within the context of realising autonomous agency and as such, argues that we must work to create institutions that can carry out the obligation to enable individuals to meet their needs (Copp 2005, p39). Copp formulates what he calls 'the basic needs principle'. This principle states that "justice requires a state in favorable circumstances to enable its members to meet their basic needs throughout a normal life-span" (ibid.). The principle on its own, Copp notes, allows for a wide range of inequality and so adds to it the requirement of "equality of opportunity and the basic liberties, for example, and inequalities in life prospects may threaten equality of opportunity or democracy" (ibid., p41). There are two conditions he places on the principle. Firstly, a normal life span – i.e. the principle should be looking to meet needs within the context of a healthy and 'normal' lifespan. The second is that the needs in question are those that represent the requirements of autonomy (ibid., p41-2).

By consequence of his basic needs principle, in a similar vein to O'Neill, Copp considers that we have an obligation to ensure that there are favourable circumstances in which to realise the relevant obligations. That is, to make sure it is *economically possible* to enable needs to be met and to do so "without violating any moral constraints of greater importance than the requirement concerning basic needs" (ibid., p42). Without either favourable circumstance in place, there is no obligation to try to enable people to meet their needs. In the instance when there are not favourable circumstances, Copp specifies two further requirements. Firstly, that there is a continued attempt to create the favourable circumstances to enable the meeting of needs. Secondly, that as much as possible is done in order to enable the meeting of needs, privileging "those who are least able to meet the most important needs" (ibid., p43). The obligation postulated by the recognition of basic needs says that a situation is unjust when there is a state of favourable circumstances yet there still exist individuals unable to meet their basic needs (ibid.).

Now, Copp's principle as outlined provides us with a productive starting point in terms of how we might formulate our own, in that he has incorporated a concern for agency and a

recognition of the imperfect nature of these obligations without relying on perfect principles of justice for their meaning. However, there are a few aspects that need adjusting from our perspective.

Firstly, Copp's further principles – of equal opportunity and basic liberties – that exist as a consequence for a concern with a higher level of egalitarianism than is created by his basic needs principle are not demanded by our need framework, since our need-theory is not egalitarian in outcome (see discussion in §1.5 of Chapter 2). A concern for everyone's needs to be met means just that, not that resources are distributed in a way that everyone has an equal share at the end of it. Secondly, these further principles may be demanded as a consequence of our detailing just how this obligation will be *implemented* (the task of the next Part of the thesis), but at this stage these other principles are not necessitated by our framework as it stands thus far.

Next we have Copp's two conditions: a normal life span and needs relating to agency. From our perspective, we can take 'needs relating to agency' as needs relating to what we have called 'moral action', as such they generally describe all our constituent needs which relate to freedom and autonomy. His first condition, 'a normal life span', is also useful so as to ensure the principle "does not demand that we enable a person to stay alive no matter what" (*ibid.*, p41).

Thirdly, in terms of 'favourable circumstances', as discussed in the last chapter it is hoped that a condition of economic possibility will be covered by the obligation itself – on the 'ought implies can' principle (see Chapter 3, §3.4.2). The second circumstance – to enable needs without violating some principle of greater importance – is extraneous from our perspective, as it would mean going against what the needs are there to realise, every individual's moral autonomy and freedom. The continued attempt to strive to meet needs, even in unfavourable circumstances, is again assumed by the assertion of an obligation in the first place. The addition of emphasising a prioritisation of the most 'important' needs is unnecessary for our purposes. Indeed, there is something unsatisfactory implied by the notion of importance; for

the two basic needs are *equally important* in achieving action, and meeting *all* the basic constituent needs is required rather than some being more important than others.

Fourthly, it is interesting to note that Copp uses the term 'enable' instead of 'meet' in relation to needs. The use of 'enable' is apposite since it also allows more openly for the delegation of duty to the best possible person(s) in a position to help meet basic needs. This is consistent with the imperfect nature of the obligation, creating a situation in which all have an obligation to create the most need-meeting conducive system. The notion of 'enablement' also allows for situations in which individuals can keep meeting their own needs by putting them in a position to do so. By contrast, an obligation to meet the basic needs of others might result in us having to meet those needs regardless of the effort made by the needy. So, this idea of enablement should help incorporate the idea that the obligation only applies to individuals who are unable to meet their basic needs themselves; as Gewirth puts it when formulating his own justice principles, "there is included an important addition [...] that the agent cannot attain some aspects of basic well-being *by his own efforts*. This means that in the 'ought'-judgement he cannot rationally demand of other persons that they help him to have basic well-being unless his own efforts to have it are unavailing" (Gewirth 1987, p68). This notion of continued effort by all to meet their own needs gives larger scope for people as responsible for their own actions (as discussed in §1.5 of Chapter 2).

Finally, as is implied by the principle, Copp relies upon the context of a society in order for his principle of obligation to have meaning and therefore incorporates the state as part of it (Copp 2005, p44). Nonetheless, he considers there to exist an adequate enough global society to merit this being applied globally. As already said before, we need not go into the details and consequences of this aspect of the obligation at the moment; for now, it is logical to leave the state or any specified institution out of our principle, given its universal nature.

In sum then, combining the elements of O'Neill's theory of obligation that we have shown as apposite within our framework with those of Copp's basic needs principle just outlined, we can summarise our need-based obligation as we have it so far:

'There is a universal imperfect obligation to enable individuals to meet their basic needs of autonomy and freedom within the course of a normal life span'.

We have also established that this principle of imperfect obligation demands institutionalisation in some form, but the extent to which it applies is still uncertain. In other words if there are limited resources meaning that not everybody can meet their basic needs, what conditions apply then? How far does our obligation go? To complete the formulation of our principle in this sense, we shall turn to another thinker who prioritises vital interests (needs) as both a matter of justice and humanity: Brian Barry.

3. BARRY'S THEORY OF VITAL INTERESTS

Barry's concern for the needs of others being met is central both to his theory of justice and humanity. He remarks that "the most striking feature of the world as it exists at present [...] Probably half the total world population lacks the material conditions that are necessary for the satisfaction of their vital interests" (Barry 1998, pp149-50). We can take Barry's 'vital interests' as similar to basic needs as we have defined them. Although he rather generalises about these interests and does not detail the exact content sufficiently enough to be clear on why he chooses these particular interests, what he does say of them makes it apparent that they are sufficiently similar to the constituents of autonomy as defined in this thesis to consider them as needs. Barry defines 'vital interests' in terms of: adequate food and water; clean sanitary arrangements and health care; physical security; clothes and shelter suited to one's environment; and a minimum level of education to function within one's society (ibid., p148). These are the "minimum requirements of living a good life [...] whatever his or her own particular conception of the good may be" (ibid., p148-9).

Earlier in this chapter we looked at the relevance of distinguishing between justice and humanity in terms of correlative rights and character of obligations. Barry emphasises the distinction between humanity and justice but in a more refined way; he asserts that whilst obligations of justice are *rights-based*, conversely, obligations of humanity are understood to be *goal-based* (Barry 1989, p456). As such, he approaches the answering of needs through

both a distinct humanitarian framework and one of justice. The precise implications Barry believes this distinction to have will be detailed below as we examine his theory.

In his exploration of obligations that exist as a matter of humanity, Barry looks to Peter Singer's (1972) example of the moral obligation to save a drowning child, arguing that Singer's basic principle is applicable for international humanitarian support – where “the rich have some obligation on humanitarian grounds to provide economic aid to the poor” (Barry 1989, p438) – although he notes that neither Singer's strong nor weak version is satisfactory in determining *how much* we have an obligation to give. In terms of Barry's obligations of justice, Barry looks to base these on the substantive contractualist account of the value of a relationship of mutual respect offered by T. M. Scanlon. Scanlon's contractualism provides a test for the impartiality of principles. He finds that moral judgments depend upon principles that we can justify to others in the sense that such principles could not be reasonably rejected (Scanlon 1998). This is the basis for Barry's conception of justice as *impartiality* (Barry 1995), and although we have no need for hypothetical consent when deriving the principle of obligation, it is from here that Barry derives the principle notable for our discussion: that of the “priority of vital interests” where, “in the absence of some compelling consideration to the contrary, the vital interests of each person should be protected in preference to the nonvital interests of anyone” (Barry 1998, p148). He joins this principle with three others: the presumption of personal responsibility and compensation; of mutual advantage; and of equality where “all inequalities of rights, opportunities and resources have to be justifiable in ways that cannot reasonably be rejected by those who get least” (*ibid.*, p147) and considers that accordingly, as a requirement of justice there has to be a systematic redistribution of goods in order to correct the inequality determined by different levels of natural resources in different states. He conceives of vital interests as *relational* to the non-vital, conditioning them in a relational manner rather than in absolute terms. In other words, he does not assert there to be a right to have one's vital interests (basic needs) met, rather that they should be met *before* the non-vital interests/needs of others. In combining this principle with the presumption of equality he is thus concerned with how the existing global resources should be divided: “the ethically defensible basis for allocating control over resources” (Barry 1989, p458) rather than an individual right to be fed. Overall therefore, Barry, working from a cosmopolitan perspective

assessing the value of international social structures in the context of their value in relation to the contribution to individual welfare, constructs principles of justice which will ensure that “the basic needs of all should be met before the non-basic needs of anyone are satisfied” (Brown 2002, p171).

Barry provides us with a comprehensive theory in terms of needs being met. Nevertheless, his theory might demand too much for our purposes; in our appeal to have needs met, we need not assert the presumption of equality regarding resources, therefore the demand for needs being met does not in itself require redistribution of goods in the sense of everyone having equal right to them. Indeed, if we were to take the view, like Barry, when the rich’s non-vital interests are met, by deduction they must be denying the vital interest of the poor, then the question of redistribution would be apposite. However, here we are not positing that the extremities in inequality necessarily have any bearing on the conditions of the poor and we are not demanding an egalitarian outcome. Simply, we are demanding that the basic needs of all (where and when they arise) are enabled to be met, and on this account, Barry’s humanitarian concerns seem sufficient. Moreover, basic need claims do not demand a permanent state of redistribution of resources and as such, we cannot conceive of the obligation to respond to these (as they arise) in the same way as a permanent redistribution of goods – that were unjustly allocated in the first place – would demand. Thus, the allocation of resources, according to our demands, would be fair in so far as all the arrangements have accommodated the basic needs of everyone as far as possible.

Nevertheless, Barry considers that there are different implications of justice and humanity in terms of transferring funds and resources and it is not just a matter of making the situation more level. Barry considers humanity to be concerned with “doing good”, a principle that “directs us not to cause suffering and to relieve it where it occurs” and where the concern of justice on the other hand, is “the distribution of control over material resources” – a question of power (Barry 1989, p456). Still, is Barry here merely picking apart two approaches with the same ultimate concern, i.e. the welfare of people? In other words, is his conception of justice simply derivative? Barry refutes this notion in two ways. Firstly, he says that even if it were the case that justice is a derivative principle, and ultimately goal based, it is still a necessity. For, it

still provides a power that a purely humanitarian-principled system would not; such a system would still leave the control of resources with those who do not rightfully own them. He considers that when responding to subsistence needs as part of humanitarianism, conditions could be placed upon the recipient countries where aid would “still leave us with a division between the donor countries, free to spend ‘their’ incomes as they pleased” (ibid., p459). For, it would be a matter of the donor countries ‘giving’ to the recipients and remaining free to spend the money as they so wished. Conversely, Barry contends if it were a matter of justice, it would be a case of “giving back” what is rightfully the recipient's.

Secondly and significantly, Barry asserts that part of well-being is defined by the crucial element of autonomy (much like our theory) and this entails choosing as one wishes. However, Barry's autonomy, central to his distinction of justice, is *state* autonomy and is key for him because it means that the specified goals entailed by humanity will not necessarily be realised by justice in relation to individuals because ultimately when redistributing goods to countries, it is up to that country to do with it as it sees fit. He notes that it is this notion of power that represents the fundamental difference between humanity and justice and it is this that provides the reason for his believing the demands of the needy over those of the affluent (i.e. his third principle) are matters of justice; that is, a matter of *autonomy* for the needy states. Thus, for Barry an essential element of justice is that the *use* of the transfers by the recipient has no bearing on whether they *should* receive it or not. The role of state autonomy means that we cannot “insist that a country that allows some to live in luxury while others have basic needs unfulfilled should lose income to which it is entitled as a matter of justice” (ibid., p460). This conclusion in terms of our framework is obviously entirely inadequate, for it is the needs of individuals that will always take priority.

Here then, paradoxically Barry uses the idea of state autonomy to defend the fact that the obligation to transfer wealth from the affluent to the poor is a matter of justice where autonomy is “the main dividing line between humanity and justice at the international level” (ibid., p458). Yet it is precisely the autonomy of the state that any theory conceived through

and derived from a cosmopolitan framework will deny¹⁷. As Barry notes, autonomy for the individual is a crucial aspect of well-being, indeed that is why we argue here that basic needs should be answered in the first place: to provide people with that autonomy (along with freedom). However, Barry makes the error of automatically transferring this autonomy to the state irrespective of the political structures of the states in question, a move that is unacceptable within the cosmopolitan context. What Barry misses in making this distinction (between humanity and justice) is that the issue of putting the recipient countries under obligations to act “responsibly” is not one of how they spend money – rather it is a case of their not being the *legitimate recipients*. Instead it is the individual who is the legitimate recipient and for this reason she must be accounted for within the state framework (if this is held to be a permanent fixture on the world stage). It is this notion we shall go on to discuss in our next chapter.

4. THE GLOBAL PRINCIPLE

Before doing so however, we should finish with a formulation of our needs-based principle of obligation as it stands after the investigations made throughout this chapter, as well as discussing the dilemma of finite resources and the partialism of human nature. As we progressed through the chapter and examined a variety of theories concerned with principles of obligations and needs, certain elements have been seen as fundamental in terms of our perspective, whilst others we found to be either irrelevant or inadequate. We began by looking at O’Neill’s Kantian project of need-oriented obligations, and understood her emphasis on social agents, her use of the categorical imperative, and the role for imperfect obligation as inherently suited to our demands. We identified many of the core elements of Copp’s basic needs principle as relevant in formulating our own, as well as using Barry’s understanding of basic needs before any others as central to defining the limits of our principle. We also concurrently examined the relevance of the justice/humanity distinction with particular attention paid to the conflict between enforceability and coercion – highlighting the different

¹⁷ In more recent work Barry acknowledges that “a large proportion of the payout would have to be to individuals” (Barry 1998, p153) but then notes that the “considerable derogation of state sovereignty” involved in this makes it an unimaginable plan for the present and one that must be preceded by years of redistribution between *states* (ibid.). This issue of sovereignty and the role of in the individual will be discussed in Part Three of the thesis.

interpretations of each as a constant role of antagonism throughout any debate relating to material goods. Correlatively, we found there to be little meaning in any emphasis on a distinction between justice and humanity within our framework of need-based obligations; being neither convinced by a reliance on enforceability as the factor of differentiation, nor on Barry's exposition of state sovereignty.

Thus as a collective expression of the results of our above findings, our needs-based global principle of obligation (henceforth referred to as the 'Global Principle') is the following:

'There exists a universal imperfect obligation to enable individuals to meet their basic needs of autonomy and freedom within the course of a normal life span. Meeting these basic needs should be prioritised over meeting the non-basic needs or wants of anyone, but without sacrificing one's own basic needs'.

As a fundamental, morally demanded universal principle, it provisionally requires institutionalisation and enforcement and the implementation of political and economic systems best suited to realising the maximum number of peoples' needs for autonomy and freedom through securing an appropriate mechanism of distribution. The limit for what people might have an obligation to give up is set by their own basic needs (i.e. *'without having to sacrifice them'*), however as Shue points out there is no evidence to suggest "that anything even approximating the sacrifice of all preferences" (i.e. non-basic needs) would be actually required in order to help those who have not had their basic needs met (Shue 1980, p114). We noted above the libertarian worry that a needs-based principle will demand too much in terms of what it forces people to redistribute. What has been determined by the Global Principle is a clear limitation in terms of only preferencing basic needs and as such the consequences for redistributive demands will not be as high as an egalitarian system would demand. Correlatively, Gewirth, in response to the libertarian concerns, argues that any principle which "requires only strictly limited redistribution to alleviate basic needs and to enable disadvantaged persons to attain the abilities whereby they can support themselves", will never amount "to anything like complete expropriation of the providers" since the "provision is not open-ended, and thus property-rights still remain" (Gewirth 1984, p242). Indeed, we discuss

this empirical aspect further in our final chapter, Chapter 6, on the socio-economic and political consequences of the Global Principle as stated. Moreover the imperfect nature of this obligation and its demand for institutionalisation should work to eliminate any situation in which some individuals sacrifice more because others have not sacrificed enough.

Having now articulated what our needs-based principle of obligation requires, we must go on to look at how such a principle will be enforced in terms of the international realm, and what ramifications it and our need theory has in terms of the role of state sovereignty and political institutions. Before doing so however, we should close this chapter by addressing a particular issue the Global Principle raises in terms of distribution and resources; that is, although the principle is universal in application the dilemma of scarce (or at least finite) resources forces upon it questions about priority, human motivation and the realities of human partialism.

5. SCARCE RESOURCES AND IMPARTIALITY

MacIntyre discusses of the dilemma of scarce resources in terms of universalist principles of distribution. He argues that often the resources needed for one community to survive and grow will be the same as those needed by another and as such, this scarcity in resources makes apparent the stark and necessary choice of *prioritisation*. As we discussed in §1.4 of Chapter 3, MacIntyre himself argues that priority should go to one's compatriots, that patriotism is a virtue higher than an impartiality assumed by universalism (MacIntyre 1999, p272). Here we see a conspicuous contrast between the patriotism defended by MacIntyre and the impartialism of a Global Principle such as the one defined here. What should be remembered at this stage however, is that our Global Principle does not ask that we treat others as equal in terms of all resources, only that we have a duty to make sure the basic needs of others are enabled to be met once we have had our own met. So, in MacIntyre's discussion of survival he is correct that an impartialist principle such as ours would demand absolutely that we consider the needs of those outside our community as equal to the needs of those within it, but in his discussion of growth, it is not clear that basic needs are relevant since in these terms it is likely they have been met already. Indeed, although he does not make the distinction, survival and growth are very different terms given that the continued existence of a nation or community

does not necessitate unqualified growth. For instance, we can perfectly well imagine the continued existence of industrialised countries even if they were to use fewer resources. Nevertheless, the limited resources suggested by MacIntyre (rather implausibly it has to be said, but theoretically useful) provide a dilemma: *whom* do we prioritise in the case of limited resources? Is there a case for a form of partiality? And if so what kind? These questions provide the parameters for a form of critique from the particularist perspective: that is, the impartial aspirations of the Global Principle.

In order to look at this critique, it might be useful to start by considering some of the problems that are often highlighted for the impartialist. Before doing so however, we must just note that although the Global Principle is impartial in its application, unlike the impartialism of Scanlon or Barry, it is the *logic* behind the thesis that gives rise to the principle rather than the use of an impartialist view-point in its derivation.

5.1 The Impartialist Viewpoint as Impossible

One fundamental issue with the impartialist doctrine comes from those who question the possibility of the impartial viewpoint of any decision-maker. The issue with impartialism is one that has been explored throughout previous discussions of the community-oriented argument, an argument that has argued that morality is in fact situated, that history, culture, and membership is particular. Walzer says that even if we could commit ourselves to impartialist reasoning in individual choices for the collective good, the problem is the situatedness of the individuals concerned. For him, the most likely and important question is: "What choices have we already made in the course of our common life? What understandings do we (really) share?" (Walzer 1983, p5). Iris Marion Young rejects impartiality in its requiring dispassionate, detached and universal moral judgment; she cannot see how it is possible to advocate reasoning in which the embodied self is stripped from the moral person (Young 1990, p102). The conflict for Young is that it is impossible to adopt an "unsituated moral point of view", but "if a point of view is situated, then it cannot be universal, it cannot stand apart from and understand all points of view" (ibid., p104). Crucially, in that reasoning, Young points out that

without understanding the substance of normative issues it is impossible to make decisions about them. For Young then, “the idea of impartiality is an idealist fiction” (ibid.).

Bernard Williams concurs with this when he observes the difference between reflection on one’s own actions and making statements about the world. Whilst scientific or factual reasoning can be impartial in its impersonal character, for Williams the process of practical or moral deliberation can never be impersonal for “practical deliberation is in every case first-personal, and the first person is not derivative or naturally replaced by anyone” (Williams 1985, p68). Interestingly however, when it is *basic needs* that are giving rise to impartial obligations, this distinction between factual reflections and practical deliberation cannot be made so clearly. When Young argues that a dichotomy between reason and feeling is generated by a framework of impartiality, and that needs “because of their particularity [...] are expelled from the universality of moral reason” (Young 1990, p103), she misconceives what needs are. In fact, although needs change with persons, they are nevertheless defined by their being constitutive of the human being and in that sense *not* particular. Needless to say, this does not rid us of the partial point of view contended by Young and Williams but it does mean that there is an objectivity in understanding what the unit of analysis is in the asserted obligation itself.

Williams finds the impartialist understanding of morality implausible in its ignorance of personal attachments as fundamental to the identity of the self. In abstracting “moral thought from the identity of persons”, the Kantian form of impartiality is inadequate for Williams (Williams 1981, p3). He rejects the impartialist understanding of human nature, for he argues that we can only properly have a sense of our self by pursuing particular projects and close relationships with other people. In his essay, “Persons, Character and Morality”, Williams argues against the impartiality assumed by universalists, which, he argues, is only made possible by ignoring the attachments central to constituting individual identity. He says that without deep personal attachments and the partiality they entail, “there will not be enough substance or conviction in a man's life to compel his allegiance to life itself” (ibid., p18). For Williams then, the type of deep attachments formed by people makes human nature impervious to an embodiment of the impartial view (ibid.).

5.2 Impartialism as Unrealistic

Leading on from these charges, a further problem with the Global Principle, in terms of its impartialist nature, is in relation to it being understood as counter-intuitive and descriptive of an unrealistic and unlikeable individual. For example, in his disagreements with William Godwin, Samuel Parr (1801) argued that impartiality describes an unrealistic view of human nature; he argued instead that humans are ultimately concerned with their loved ones and those close to them and as such, any theory of morality that demands otherwise is demanding too much. Many identify impartiality as an impersonal principle describing a negative character – i.e. concentrating only on an *absence* of features – and concerned with a dispassioned and detached disposition. Indeed, although Godwin created the example of the house fire problem, it is now used as a form of refutation of the plausibility of strict impartiality in so far as it demonstrates both the anti-intuitive nature of the doctrine and the fact that impartialists like Godwin would not have made very nice sons or brothers!¹⁸ The fact that the vast majority of people, if in that position, *would* save their father or brother and feel that they *should* save their father or brother calls into question both the impartialist's ability to build a moral principle on a realistic and accurate understanding of human nature and their ability to provide us with a principle that we either understand or would actually want to follow. What is important is that if impartialism cannot accommodate attachments of love and fondness and will insist upon there being no reason that Godwin should save his father or brother, then impartiality reveals itself as an implausible theory erroneous both on its assumptions about human nature and on the futile demands it makes of people. In other words, "on pain of absurdity, impartialists must show that their moral theory does not drive out other values entirely" (Mendus 2002, p36).

5.3 The Impartialist Accommodation of Partiality

¹⁸ In this well-known example, there is a house fire in which a public benefactor and Godwin's valet are trapped, and it is only possible to rescue one. Godwin chooses the benefactor due to his having more public worth. However, controversially for all but the strictest of impartialists, Godwin then says that even if the valet was his father or brother it would "not alter the truth of the proposition" that the benefactor would still be the morally *just* person to save (Godwin 1798, p128).

Impartialists point out however that under an impartialist framework it is possible to act partially in parts of one's life but that there needs to be an impartial reason to justify doing so. This understanding of impartiality derives from a two-level conception of impartial reasoning, something that Godwin had not accounted for when presenting his house-fire example. These impartialists insist that a distinction must be made between impartiality at the day-to-day decision-making level and impartiality at the level of selecting principles (Hare 1981). They understand there to be two orders of impartiality; first-order impartiality is impartiality displayed by an agent in ordinary choice situations — e.g. when choosing how to spend one's day, who to spend time with, and so forth. Second-order impartiality, by contrast, operates only in a certain, special sort of context: a context in which the rules, principles and institutions that govern first-order behaviour are evaluated and selected.

Thus, first order impartiality means equal treatment for all; second order impartiality says reasons for distinguishing between individuals must apply to all. The impartialists argue therefore that although they insist upon strict impartiality at the level of choosing principles, any sensible form of impartiality will account for prior commitments and attachments and accordingly will not insist upon such strict impartiality in everyday life decisions (Baron 1991; Barry 1995). Crucially then, principles that are *justified* impartially will not necessarily require impartial action.

Whilst for impartialists like Barry the principles of second-order impartiality accepted at the contract level allow for considerable first-order partiality at the level of agent-choice, the Global Principle outlined here limits the possibility of extensive first-order partiality. The trouble is, as Godwin's fire-example highlights and Singer affirms, the instinct of partiality for one's family members and close friends is significantly difficult to override. With this point in mind and in the challenging context of scarce resources presented by MacIntyre above, the question that arises is: if an impartial principle can allow for a limited amount first-order partiality, how do we decide upon the limits of this partiality in terms of special attachments?

5.4 Partialism and the Global Principle

It might be remembered that as part of our needs framework, the constituent needs established in Chapter 1, give good grounding for accepting special attachments – expressed through the values of love and friendship, for example – as normatively meaningful. In the discussion of competence and efficacy the role of emotional support was seen as part of meeting the need for autonomy. Correlatively, the impartial concern for all – expressed by the Global Principle – can accommodate a special concern for those who are integral to the meeting of autonomy. It is thus the attachments understood as requisite to meeting the basic needs that could be defined as representing the limits of partialism within this impartialist framework. In his impartialism, Singer concurs with this limit when discussing an allowance of first-order partiality; he argues that part of being human is to form close attachments and most humans could not live without them, correlatively in their centrality to the good life, we can argue impartially to protect them and their expressions in terms of duties. For, “to suppress these partial affections would destroy something of great value, and therefore cannot be justified from an impartial perspective” (Singer 2004, p16). Thus, for Singer, like us, the limits of partialism can be set out quite clearly: as much as is needed to promote the goods integral to the enablement of autonomy (and freedom, if relevant); that is, the deep attachments described as essential for it. So, what does this mean in terms of enacting the Global Principle? Well, although it is unlikely that the dilemma of who should be prioritised in fulfilling this obligation should arise given that the current resources in the world are adequate to meet everyone’s basic needs, in terms of MacIntyre’s scarce resources it would allow a prioritisation of those people one has deep personal attachment to.

Williams however, expresses perplexity at the idea of having to defend partiality for one’s loved ones from impartial principles; he sees it as bizarre to think that it is rationalised impartiality that should motivate or justify a man saving his wife instead of a stranger. Instead, he argues that the motivating thought “would be the thought that it was his wife, not that it was his wife and that in situations of this kind it is permissible to save one’s wife” (Williams 1981, p18). Nevertheless, this idea of trying to justify moral action on deeply held feeling can lead to conclusions that can be so distasteful they inevitably have to lead everyone to question making a link between justice and impulse. Furthermore, without using rational reflection to assess our intuition, we would be unable to decide between our intuitive inclinations, and it

would be unclear which should be endorsed and pursued and which opposed (Singer 2004, p17). Instead, the idea behind impartiality is that people have to be prepared to question and reflect upon their intuition, that they must distinguish between instinct-driven behaviour and “rational insights into a realm of moral truth” part of which will enquire into their pursuit of the good life and what comes from taste (ibid.).

Indeed, the critical nature of impartiality forces a questioning of attachments and allegiances people create and which they see as integral to their identity. We might like to observe the potential dangers of permitting a free interpretation of what constitutes a meaningful attachment or allegiance with a brief mention of preferential attachments legitimised in terms of race or religion. The Crusades, slavery, colonialism, the holocaust, and the attacks on the 11th September 2001 were all partly justifiable to those who pursued them in terms of natural preference for certain groups to which they belonged, to which they were deeply attached. Of course, these examples are not used to suggest that allegiances are always a negative or harmful thing but rather to show the importance of questioning allegiances that at the time may seem self-evident – such as MacIntyre’s list of meaningful relationships. Indeed, whilst MacIntyre (2006, pp179-215) has professed a religious allegiance – which should surely run counter to his particularist doctrine – it is interesting to note that race does *not* appear on his list of the meaningful inheritances which mould our identity (MacIntyre 1985, p220). Whilst he mentions all other forms of identity, MacIntyre omits any discussion of the type of racial attachments that have played such a significant role in the world’s history. Rather damningly, Singer argues that, given the abominable offenses that have been undertaken by those led by their racial feelings, MacIntyre cannot continue to repudiate the case for critical reflection upon the inheritances which constitute our life and moral particularity whilst recognising racial attachments as a form of identity which constitutes a meaningful sense of the self. For any such critical evaluation would require “us to take a standpoint that transcends our particularity, a possibility that MacIntyre is reluctant to accept” (Singer 2004, p20).

CONCLUSION OF PART TWO

To conclude then, this Part of the thesis was dedicated to showing why, as a consequence of what was established in Part One, there is a universal principle to enable the meeting of the basic needs where possible. We started this task in Chapter 3 by showing how a principle, universal in scope and source, comes out of the premise established by Part One. We then went on to discuss the most meaningful and productive way to articulate this principle by examining both the right- and obligation-based frameworks and found that the notion of an imperfect obligation best expressed our principle both in terms of dealing with finite goods and encompassing the notion of capacity within it. In this present Chapter, 4, through a discussion of some existing theories concerned with responding to needs through *a priori* moral principles of obligation, we characterised the exact nature and wording of the principle itself. So, having now determined the Global Principle and established the exact nature of it, as well as considering some issues in terms of its impartial application we are now in a position to go on to look at the configurative implications this principle will have in terms of the international system and the conception of the nation-state (Chapter 5). We should also look at some of the political and socio-economic practical consequences that the Global Principle will have on the International and the State (Chapter 6). An examination and discussion of these implications and consequences will be the task of the third and final Part of the thesis. We can turn to this now.

PART THREE

Some Conceptual and Practical Implications for the International System

Logical Consequences, Speculations, and the Real World Context

CHAPTER 5

Conceptual Implications of the Global Principle for the International System

INTRODUCTION

In the last Part of the thesis, we determined and articulated a global principle of obligation – the *Global Principle* – to enable the meeting of everyone’s basic needs, a principle which obviously has significant implications for the theory and practice of the international since it inevitably demands the implementation of a political and economic system best suited to realising the maximum number of peoples’ needs for autonomy and freedom from external control through securing an appropriate mechanism of distribution. Correlatively, as a primary morally demanded universal principle it would likely have some fundamental configurative implications for the international state-system; thus, in this final Part of the thesis we should discuss how this fundamental and primary principle affects and reflects upon the current state system in its political and distributive determination of the international, and upon its primary agent: the nation-state.

There will be two parts to this discussion: the first, that of the current chapter, will be theoretical and concentrate on the potential role of the nation-state in realising the principle as well as looking at how it needs to be reconceptualised accordingly; the second, that of the next chapter, will look at the practical political and economic reforms of the state and the international required by the Global Principle. The purpose of these chapters will be exploratory; we will discuss the potential of the current system viewed within the context of the Global Principle as well as examining the instrument of the state itself as a tool within the context of the need-based obligation.

We shall start this exploration with this chapter. In section [1] we will look at the current state system through the framework of our Global Principle and examine whether and how the state and its system may be equipped to realise needs. In other words, we will ask: How successful is the sovereign state system when looked at through the basic needs prism? The hope is that through a survey of the state within the context of the international system, we will be able to reveal its potential strengths and weaknesses within the framework of the Global Principle and suggest its suitability in addressing basic needs. The second part of the discussion, section [2], shall concentrate on the conceptualisation of the state itself, particularly in terms of its duties, within the context of the necessary or best conditions to realise the Global Principle and correlatively, how it needs to be reconceived in the context of an international realm primarily directed by that principle.

We should note however that whilst much of what will be said in this Part of the thesis (through the current and next chapter) will describe reforms that come as a logical consequence of what has been established in Parts One and Two, some of it is somewhat speculative in nature; in other words, some of what will be suggested – e.g. particularly in terms of economic reform – is presented as the most likely best outcome but not necessarily the only possibility. Whilst the logical and theoretical underpinning of the argument has been established by Parts One and Two of the thesis, the aim of this final Part, is to speculate upon the conceptual and practical implications for the state – both in terms of its international identity and in terms of its internal character.

1. BASIC NEEDS AND THE PRACTICAL ROLE OF THE NATION-STATE

1.1 Distance and Knowledge

One of the immediate issues that comes to mind when examining the international system from the perspective of the Global Principle is the role that the state can play in tackling the sheer distance between individuals throughout the world. This distance can be understood as both *geographical* and *emotional*, and should be discussed with reference to the problems it

poses and how the state may respond. Whilst we shall look at the notion of 'emotional distance' below, for now, we might start with an inescapable fact: that geographical distance inevitably makes it more likely that people will remain *ignorant* of the events and lives that are happening far away from their own and more significantly, the fact that even if an individual's actions are having an impact on someone in a far-off place, the distance between them will make it less likely that the individual is aware of it. Although some may argue that people can have obligations to those who they do not know exist (e.g. Caney 2010), this seems very dubious. For instance, it seems quite uncontroversial to say that in the case where there is so large a distance between affluent *person A* and starving *person B* that there is no interaction economically, socially or politically and where *A* has no way of knowing of the starvation that *B* is suffering, that *A* cannot be *blamed* in not doing something to help *B* by giving away some of their luxuries for example. As noted in Chapter 3, crucially the concept of 'obligation' has embodied within it the agent's *capacity to do* whatever is specified by that obligation. An assertion of obligation takes account of the potential of the agent to whom it is addressed. Therefore, in order to be *expected* to carry out an obligation, there is surely a presupposition that the obliged has prior-knowledge (or at least access to that knowledge) of the existence of the person to whom she has an obligation. As such, an argument can be made for the necessity of more localised parameters of obligation, such as through the state, to take into account the lack of knowledge caused by the large distances between people.

The question, that needs to be asked therefore, is: how accurate is it to say that in the current world, the reality of physical distance *is* a barrier to knowledge? Also, is the physical distance between individuals around the world as large as it seems and how might the physical distance itself have changed? Well, it could quite easily be argued that physical distance is much less of a barrier to knowledge than it used to be, and moreover, that our control over this distance itself has rendered it much smaller in terms of its impact upon us. Whilst there is always going to be the same physical distance existing between Europe and Sub-Saharan Africa, it could be argued that the physical distance has decreased in terms of its meaningful impact. In other words, whilst the distance in kilometres from the UK to Malawi still exists, the time, inconvenience and impact to cross the eight thousand kilometres has decreased substantially

due to, for example, more sophisticated and increasingly faster transport facilities and a development in a plethora of tools that make travelling and communication easier.

Not only has the impact of physical distance lessened in terms of how long it takes to cover it but there is increasingly less of a distance in terms of seeing and knowing what is going on elsewhere in the world. The world has shrunk in the shadow of expanding economic interdependence and globalisation, and crucially through increasingly advanced technology and media. This multitude of advancing forces both has an impact upon individual knowledge as well as upon a sense of understanding the 'other' across the globe. What an advancement in digital technology and mass-communication has produced is a new era of knowledge, and whilst "we do not share our everyday lives with people, we interact with them through a complex and differentiated web of political and economic relations" (Kuper 2002, p112). It has meant that increasingly, we cannot claim ignorance about the lives of others who live a great physical distance from us given that we are progressively becoming members of the same 'social network'. Crucially then, we are increasingly aware of the circumstances of those who live across the globe; and although what is known as the 'CNN effect' may put it rather cynically and simplistically it accurately describes the increase in awareness, accessibility and potential guilt that derives from a *culpability that knowledge brings with it*.

1.2 Efficiency, Motivation and Allegiance

Whilst geographical distance may not be a barrier to knowledge, many argue however it *is* a barrier to efficient means of meeting needs and fulfilling obligations. As such there is an argument, which states that in response to the universalism of the Global Principle, states are actually the best means with which to maximise the enablement of the meeting of basic needs. That is, in order to help the needy in the most effective and practical way, it is better for us to be near them and to localise obligations of helping. This *efficiency argument* (Goodin 1988) or *comparative-advantage theory of government* (Shue 1980, p142) asserts that states are the best means with which to maximise assisting the impoverished and meeting basic needs. Quite simply, these theories argue that *the closer you are to a situation, the better you are at reacting to it*; and that larger distance makes reaction less efficient. It tends to base its

argument on the following premises: firstly, a moral premise that says (i) a government should focus its abilities where it will do most good; a second, empirical argument stating that (ii) it is the case that a government in for example, Poland, can do more good concentrating on those in Warsaw than those in Kampala; and that lastly therefore, (iii) given these two choices, the Polish government ought to concentrate efforts into the welfare of the Varsovians, rather than the Kampalans.

In its use of to 'do most good', the first premise of the efficiency argument is rather abstract; it is based on a very vague notion and could be interpreted as meaning a number of different things. For the purposes of the argument here, it should probably be replaced with 'a government should focus its abilities where it will enable most basic needs to be met'. Indeed, in making this aim more concrete a further benefit of localised duties becomes apparent: it is not just a matter of a state focusing its abilities on where it can fulfil most basic needs but rather it will also be a matter of the state more efficiently *identifying* those needs and best knowing the appropriate responses to them.

Beyond this somewhat simplistic summary of the efficiency argument however, there are more detailed reasons why we might suppose localised forms of power articulated through a state system might be likely to be the most efficient and competent at meeting needs. For example, one way in which we might conceive of the state as best placed to help realise the Global Principle is by recognising the role of the state in helping realise the necessary *motivation* in any aim to provide a successful social welfare system of redistribution. David Miller emphasises the importance of ethical motivation when he argues that the setting of a nation state is necessary for the type of redistribution of resources that a need-based framework would entail. His is a theory that grounds itself in the deep relevance of social solidarity and determining the preconditions of public trust; he considers universalism to rest upon an implausible account of motivation – where for most, “ethical life must be a social institution whose principles must accommodate natural sentiments towards relatives, colleagues, and so forth” (Miller 1995, p57-8). For Miller, obligations being formed through considerations for humanity ignore the need for social solidarity as a prerequisite to pay taxes and contribute to the welfare of others. Instead he sees state boundaries as demarcating the acceptable levels of

distance in which people remain within the moral purview. The nation state, as an 'ethical community' reproduces the needed social solidarity, typically found in the more local context, between people at the state level where there are few personal ties. It represents a mutual trust engendered by living in the same state and supports the possibility of redistribution (ibid., p98). Accordingly, the nation constitutes the prerequisite for just distributions (which he defines as socialist based principles of distribution).

Supporting this role of trust in motivating distribution is an argument made by Walzer which suggests that people want to be ruled or led by people they feel are the same as themselves, people who they "recognize as their own" (Walzer 2004, p137). In other words, people will be better motivated to follow principles of distribution, not only if the welfare is being distributed to those they associate with their own, but if those suggesting and controlling that distribution are recognised as their own. People also, according to Walzer, will want any opposition to and criticism of the political and value structures of their state to come from within the state rather than from outside it. Indeed, 'Anne' in Bell's *Communitarianism and its Critics*, supports this conception of the nation as the best forum for redistribution when she says that redistribution is dependent on a deep commitment to each other and "it just so happens that the nation-state has emerged, for whatever concatenation of historical reasons, as the unit within which our sense of solidarity is the strongest" (Bell 1993, p138).

Another way in which a more localised state-based organisation of redistribution might be understood as productive within the context of emotional distance is in its potential to obviate the abstractness of the distribution-recipients (those in need). What Judith Lichtenberg (2004) observes as of key importance to address in any aim to realise a universal need-based obligation is the facelessness – the *abstractness* – of the strangers we are supposed to have an obligation towards. To be unable to know or even *imagine* those that we are supposed to have an obligation towards is problematic, for the empathy necessary to ensure observance of universalist obligations is lacking when dealing with abstract individuals. This problem of facelessness is compounded by the fact that the pain of others is abstract and any attempt to place yourself in their position is inevitably tricky unless you have experienced such a position –

and it is likely that most of those in the position to help would not have suffered the kind of absolute poverty that they are supposed to be addressing.

This issue of state-oriented emotive motivation for action provides an interesting juxtaposition with the rationalist Kantian nature of the Global Principle. Whereas the arguments for state-derived motivation relies on sentiment and emotional attachment, the Global Principle as defined has derived from a reliance on a rationalist logical understanding of the human and her actions. Indeed, as with Kant's kingdom of ends, – the “systematic union of rational beings through common objective laws” (Kant 2002, p234 § 4:433) – where nationality, ethnicity or any other labels of attachment play no role, for us the scope of the Global Principle is determined by the default subject of normative theory: the human.

Now, whilst we have a Kantian framework through which we argued for a universal obligation – refuting any logical connection between application of the principle and sentiment – as our discussion at the end of the last chapter showed, there is room for recognising the gap between a valid principle and the reality of whether individuals are willing to act upon it. Shue suggests that moral principles will “be adopted only if they evoke the support of some felt sentiment”; that motivation based on feeling is necessary for people to properly embrace principles, that those principles “must somehow appeal to motivational springs of action that pre-exist the appeal” (1980, p146). As such, given the predominance of the state and the broadly entrenched identities determined by it, the nation-state is likely to provide the requisite sentimental motivation for redistribution. Thus, whilst the Principle and its scope are determined by logic, a recognition of the emotional role in the successful enactment of that principle is also important, and it is here that the state could play a role. As Shue very neatly puts it: “sentiments unconstrained by principles lack authority, principles unsupported by sentiments lack effect” (ibid.).

However, whilst the above arguments provide us with a convincing account of human nature and the motivational aspects it requires in order to implement frameworks of welfare, we should be clear on the distinction between a practical tool of motivation and a normative one. So, whilst we may have a case for arguing that the state can provide a motivational setting for

individuals to act in a moral way, the actual normative impulse behind redistribution and the provision of welfare in the first place is already set by the Global Principle itself. To be clear, having in previous chapters already established the global nature and reach of the principle, we are interested here in determining how the Global Principle affects the International System and discovering how successful states are from its perspective, rather than establishing normative reasoning for redistribution. Thus, we must be careful to maintain a clear differentiation between the ethical *motivation* and ethical *justification*. Whilst Miller argues that the state plays a role in both, we are interested in the best models and environments in which to motivate those to accept and carry out a policy already determined by logical reasoning and justified throughout the foregoing arguments in previous chapters.

Also, whilst the arguments have shown the importance of the state as a mechanism through which people form the necessary emotional attachments for successful redistribution, there is no reason to believe it is the only one. Although it may very well be the case that some people feel an emotional attachment to their compatriots, there is no reason to believe that as a general rule individuals will feel attached to those within their state. For example, with the exception of wartime and periods of national crisis, Singer doubts there to exist a type of love for a compatriot that does not exist for others (Singer 2004, p27). Indeed, it could plausibly be argued that currently other common grounds, such as levels of education, value systems or religion – which all span well beyond the state and localised communities – might provide as likely a basis for affiliation as the notion of compatriot might.

This issue of other strong affiliations highlights the danger of conceiving the state in an anachronistically static way; the fact that a number of states contain a variety of communities where their members may very well have close shared meanings with members of other states rather than with their own. As Shue puts it, “primordial attachments are often to groups smaller than nation-states and may indeed *undermine* nationalistic forces” (Shue 1980, p145, emphasis added). For example, many Muslims express a deeper affiliation and moral obligation to their Muslim ‘brothers’ over compatriots or the Spanish Basque nationalist who will claim much deeper shared meanings and goals with French Basques members over other Spanish

citizens.¹⁹ Walzer probably provides one of the most nuanced understandings of attachment and identity when he describes an increase in multiple identities within the state and indeed within the individual through the idea of “hyphenated identities” where for example, a person’s identity could be described as Catholic, Italian, American, and universalist at the same time, and in which case none of the individuated descriptive identities can say everything about the person’s group membership and attachments (Walzer 2004, p135). Interestingly, he also says that “hyphens make for more complicated and probably also freer individuals” where to rid ourselves of them is easier than to “exit from singular groups and identities” (ibid.).

So, whilst it is fair to say that intimate ties between friends and loved ones are inherent to the good life (Kuper 2002, p109; Singer 2004, p16) and that humans need a feeling of association or a common cause to help motivate them to create the type of sophisticated and complex system demanded by the Global Principle (e.g. in terms of redistribution, education, social security etc.), one has to be careful not to present that motivation in an overly static or anachronistic way. Indeed, along with the effects of globalisation on increasingly multi-dimensional identities, migration has meant that compatriots change and a person who was once a stranger can be one’s compatriot the next day. This possibility of gaining legitimate membership and identity within another country somewhat undermines a specific state as moulding a particular type of identity associated with common values. Thus, we have to be cautious of arguments that use the notion that states are expressions of shared identities in order to deny the possibility of a wider common moral sympathy, since there is a danger that the concept of the state being used to do so is an inaccurately one-dimensional one.

What comes out as important then is the recognition that localised groupings – in which people have better awareness of each other and each others’ needs – are central to creating the necessary environment within which basic needs can be best met, but also that identities

¹⁹ There are of course a number of examples where specific groups (usually broadly defined by ethnicity or religion) who reject entirely the state they live in as demarking any relevant affiliation, for example: Kurds; Chechens, Tamils; various and numerous ethnic groups in Africa; and even some French-speaking Quebecois. However, what is also true here is that although they reject their state they also see the gaining of independent nationhood as a political aim, thus supporting the state as a tool for empowerment and legitimate affiliation.

and attachments are becoming increasingly fluid and can no longer be adequately represented by an over-arching opaque and one-dimensional sovereign state.

1.3 The State and the Realisation of Autonomy

There are those who would make the argument at this point however, that the state is not just instrumental in its capacity to create a forum in which there is a conducive level of solidarity and emotional identification, rather by its very nature it possesses those features essential for enabling moral autonomy and freedom in individuals. In other words, not only is a state necessary for the type of autonomy and freedom we are interested in realising through the Global Principle here but it possesses the specific forms of infrastructure, services and cultural context which are essential for the Principle's realisation – and it is only a state that can provide these. Charles Taylor is a noteworthy proponent of this argument. He stresses the importance of fully understanding what the necessary political and social conditions are in which to realise autonomy and freedom, where autonomy is understood as having the capacity to conceive of “alternatives and arriving at a definition of what they really want, as well as discerning what commands their adherence or their allegiance” (Taylor 1992, p43).

For Taylor, individuals need to be given certain horizons to realise autonomy and freedom, and for him, the family can only do so much; what it can do to encourage autonomy and freedom comes from its context within a civilisation – Taylor sees a free individual's identity as contingent on a certain sort of society, its history and civilisation. A type of political and social culture is necessary according to Taylor: “the free individual or autonomous moral agent can only achieve and maintain his identity in a certain type of culture” – that is, one with free debate, intellectual input, cultural innovation, rule of law tradition and moral institutions (ibid., p44). He cites the development of various institutions within ‘our’ civilisation as current bearers of this culture (e.g. laboratories, museums, political parties, law courts etc.) and vital infrastructure (e.g. road, power grids) as crucial in their supporting these institutions (ibid., p45). Thus, the argument is that it is not just a social matrix that is required for the realisation of individual self-determination, it also requires a series of practices which recognise “the right to autonomous decision and which calls for the individual having a voice in deliberation about

public action” and where the identity of the free person is only possible within the context of a developed liberal civilisation – a state of nature could never achieve such an identity (ibid., p49). For Taylor then, we can only have the aspirations we do because of the history of civilisation we have experienced and those without such a history will be unable to conceive of autonomy and freedom in the way that Taylor conceptualises them. Accordingly, the free and autonomous actor is only conceivable and possible within a social order which has the necessary institutional, political social and historical elements; “the free individual of the West is only what he is by virtue of the whole society and civilisation which brought him to be and which nourishes him” (ibid., p45).

Taylor’s talk of autonomy, freedom and civilisation is strikingly Western-centric. What is puzzling is that in his definition of autonomy he is relegating the vast majority of people of the world who live in other forms of social settings to a life with less than basic autonomy – and renders it quite unlikely they could realise such autonomy given the standards and institutions he sees as necessary for its realisation. Thus, in his description of the developed political culture he considers central to the expectations and development of autonomy he rather limits the possibility for autonomy in any society that has less than an advanced post-industrial economy, deliberative democracy, intellectual input and sophisticated and open debate.

Another puzzle is that whilst Taylor describes quite a minimal conception of autonomy, surely he is describing the type of civilisation and societal structures necessary for human flourishing and not just for basic moral autonomy. For example, he asks us how long we would continue to understand what an autonomous choice is without “the more specialized debate among intellectuals who attempt to define and clarify the alternatives facing us” or “the attempts to bring the culture of the past to life again as well as the drives to cultural innovation” (ibid., p44). Now, there is no doubt that Taylor is correct that autonomy will be harder to understand with the ceasing of such practices, but only autonomy in its fullest sense – as ideal autonomy (defined in §4.1 of Chapter 1), that is, autonomy understood as representing full personal flourishing. It should be remembered that we contrasted basic moral autonomy with ideal autonomy – where *a person is said to have aspired to and achieved the goal of being an individual who is maximally true to their-self and wholly unbound by influences of a self-*

distorting nature. As argued in Part One, a more basic form of autonomy should not need the type of intellectual debate or cultural innovation that Taylor describes, or as an extensive account of civilisation. Taylor's account of the necessary type of society for the realisation of autonomy reads as somewhat speculative given that at his own admittance, he "cannot really undertake to refute" a full defence of his position against his critics given that it turns on "the central issue of the human condition which divides atomism from social theories" (ibid., p43), and precisely how he arrives at his particular understanding of the human condition is unclear.

1.4 The State and the Necessary Political, Legal and Social Infrastructure to Meet Needs

Despite Taylor demanding an unnecessarily developed form of state-based society for the development of basic moral autonomy, he is absolutely right to point out that the need for autonomy on a large scale demands a well-developed socio-political institutional framework (as well as certain levels of welfare). This highlights the fact that of course, it is not just issues of motivation and emotional association that might give us reason to see the state as instrumental in any attempt to enact the Global Principle. Rather, our basic needs – for autonomy and freedom from external control – in their material-dependence and developmental-oriented character inherently require developed political, economic and legal frameworks in order to be met successfully on a global scale, and many would argue such frameworks can be best expressed, at least primarily, through the state.

Walzer, for example, sees the best way of meeting basic needs as through the existence of effective and strong states since these "are the best recipients, and the best redistributors, of global relief and assistance" (Walzer 2004, p136). He argues that politically and economically the requirements set by issues of global justice will mean that internationally, the answer is to have strong states in which there are "institutions capable of maintaining law and order, collecting taxes, providing services, and sponsoring and shaping economic activity" (ibid.). Moreover, in the context of economic competition, Walzer argues that states are central in their capacity to provide the necessary protection in the capitalist global economy, providing culturally-specific welfare systems and industry protection (ibid.). Indeed, Walzer sees much of the poverty and powerlessness in existence today as a result of people living in "weak and

dysfunctional states” (ibid., p135). Whilst he suggests that intervention may be the solution in the most desperate of circumstances he also says that in the long run it is *empowered and effective states* that people need, the creation of which will “ultimately have to be their own work” (ibid. p135-6).

Likewise Doyal and Gough concur on the importance of effective ruling and argue that a state is the best means through which the necessary authority and normative structures can be realised in order to ensure the teaching and enforcement of the rules that structure and ground the survival and success of all individuals as a whole. They emphasise the importance of the rule of law and a concrete system to enforce justice, noting without which, “its members will either perish or be incorporated into another system where basic individual needs stand a better chance of being met” (Doyal & Gough 1991, p89). Copp supports this idea that the meeting of a principle of obligation will inevitably require a befitting set of public policies and institutions, along with an appropriate legal framework capable of securing the conditions for productive trade and economic practices that can only exist when in the context of a state (Copp 2005, p45). He sees the state as having the capacity to enable the meeting of basic needs through institutionalisation, however he also stresses the importance of *favourable circumstances*; conditions in which “a state has at its disposal policy options that would actually bring about a situation in which each person would have the ability to meet her basic needs if she used the available opportunities” (Copp 1998, p117).

O’Neill echoes this view of states, making their suitability as enactors of principles of justice explicit through her characterising them as *primary agents* of justice, where primary agents have the capacity to build further agents and agencies with specific competencies and the capacity and power of action (O’Neill 2001, pp181-2). She argues that the state is the best primary agent available for institutionalising obligations of justice, contrasting its potential with that of an individual; she offers that a reliance upon individuals is ill-advised: “human agents integrate different aspects of their deliberation incompletely, and depend in varied ways on other forces and agents” (O’Neill 1986b, p53). O’Neill’s identification of those with primary agency is linked with her capability theory of social agents based on Sen’s economic development theory of capabilities. She argues that in identifying agency in institutions, it is

not just a case of identifying their power and capacity to act, rather agency is grounded in their having the necessary capabilities; “agents and agencies must dispose not only of capacities which they could deploy if circumstances were favourable but of capabilities, that is to say, of *specific, effectively resourced capacities which they can deploy in actual circumstances*” (O’Neill 2001, p189). O’Neill mentions a number of capabilities she considers requisite for a state to be in a position to fulfil obligations of justice: sufficient resources along with human, material and organisational capacities to secure, maintain or develop justice within the state; the relevant structures in place to enforce taxation and prevent corruption; adequate representation of citizens and their interests internationally; the mechanisms to prevent rebellions, insurgency, calls for secession; as well as the capability to “regulate or influence the action of certain other agents or agencies, or to affect what goes on in certain regions” (ibid., p190).

Indeed, despite us finding that there are increasing and various means of affiliation to ensure the necessary ethical motivation to redistribute and realise the Global Principle it still remains that there is no one consistent affiliation which applies to all and could provide a convincing and effective mechanism for redistribution. Whilst the multiple affiliations, various in number and kind, have thus far actually led to an absence of alternative forms of association in a position to redistribute, as already noted it remains the case that needs which require material goods will be best dealt with through structures best positioned to be aware of and sensitive to individual needs. Thus, the type of welfare guarantees that a global obligation of need-enablement demands means that a developed social setting crucial to realising needs and the type of welfare protection they demand necessitates a type of set-up a state would be suited to providing. Walzer points out that whilst nobody is “fully autonomous, and none of us are fully integrated into and bound by any of our groups”, crucially there is *no global alternative to the role that states provide*. Walzer cannot imagine an inter-changeability of states for another form of governance such as a global form (Walzer 2004, p140). He says that although the global emancipation he sees as necessary to meet the poverty and needs of people depends on loosening attachments – such as religious, ethnic and national ones – there is just no form of global civil society that can replace the type of shared political culture of states to which people may be attached and no trans-national groups that can motivate true mobilisation.

Instead, people are still “far more involved in particularist and parochial groups”, of which the most important is still the nation state (ibid., p134).

However, it might be useful to reiterate two things here. Firstly, that the recognition that the state is likely the best mechanism to help carry out the Global Principle is a practical rather than normative one. Secondly, that the discussion so far has centred on the state-system as it is, and in its critique of the state it has assumed the state as a sovereign and self-contained agent of the international. This was a necessary assumption in order to assess the current system as it is in the context of needs but an assumption that is not inevitable; this lack of inevitability is suggested at by the clear disjunction between our conclusion that the state system is the most viable at present and the *glaring fact* that *in reality* there are a large number of states which are incapable of, or unwilling to enable the meeting of their citizens’ basic needs. Whilst it is true that this may not be taken as empirically meaningful insofar as the meeting of needs has not been the central focus of the system, it can also be said that any desire to meet the subsistence rights as articulated by the UDHR has failed miserably under the current regime. The meaning of this disjuncture can be further reinforced if we go beyond the political system and consider the vitally important relationship between the nature of the global economy and state-sovereignty.

1.5 Global Economy and the Problem of Sovereignty

As noted many times before, material and economic goods are inevitably inherent to addressing basic needs. It should be noted that thus far, the discussion has concentrated on the sovereign state in the context of the political system. What has been largely ignored is how interrelated the global economy is. In making his argument in support of state institutions as the best means to achieve welfare Walzer talked of the role for economic protectionism in meeting the needs of a states’ citizens (§1.4 above), yet many would very reasonably argue it is protectionism of this kind (e.g. through the EU’s Common Agricultural Policy or US farm subsidies) that has caused poverty in so many under-developed states. Whether this is empirically valid or not is not the issue here, what it shows is that the efficiency argument of states fails to take into account the current global economic setting and the difference it makes

to conceiving the sovereign state system as unproblematic as it does. For, it is very plausible to argue that the international economy – with the existence of bodies such as the International Monetary Fund, the World Trade Organisation (WTO), transnational corporations, the G8 and various trade barriers – has sufficient *impact* everywhere in the world that we are no longer in a position to talk of economics in a state-bound way. With increasing economic trade, communications and a growth in a world market “in which demand for finished goods is relatively insensitive to their place of manufacture” and where “capital surpluses are not confined to reinvestment in the societies where they are produced”, it is undoubtedly the case that we can no longer conceive of our economic activity within one state as having no effect on people outside of that state (Beitz 1999, pp144-5). That is not to claim that there is international cooperation or meaningful attachments as a result of interaction or that the rich are necessarily disadvantaging the poor, but it is to claim that the actions of all players have an impact upon each other and that consequently we cannot talk of distributive issues starting with the assumption of states as discrete economic actors in control of distribution as they see fit. Thus, the fact that the economy is global highlights a fundamental incompatibility between two goals here: on the one hand the economic sovereignty of the state and on the other, a global imperative to enhance the material welfare of individuals regardless of the state they belong to.

The existence and role of natural resources offers a further reason to doubt the viability of seeing states as discreet economic entities – that can prioritise their members – in response to the Global Principle. Natural resources are not evenly dispersed in line with state borders, and although a strict correlation between wealth and resources is not backed up by empirical evidence (e.g. resource-poor rich Japan versus the poorer Democratic Republic of the Congo which possesses roughly 24 trillion dollars’ worth of known mineral resources (Sharife 2010)) it is still the case that resources are one example of an arbitrarily assigned feature of the state system, inadequately and unevenly placed, but potentially related to sustainability and welfare (Beitz 1999, p138; Pogge 2002). In limiting distributive justice to state boundaries, states also limit universal rights to resources by consolidating certain state claims to them on territorial grounding, yet the existing distribution of natural resources (in their being subject to the property right of the state) is morally arbitrary, with no notion of genuine desert attached to

them. Worse, as Beitz argues, the use of resources by one party can comparatively disadvantage another party (Beitz 1999, p138).

Barry (1989) and Hillel Steiner (1977) also argue that the current property rights pertaining to natural resources are unjust and morally arbitrary with “the kind of fairness displayed by a lottery” (Barry 1989, p450). Barry and Steiner both see natural resources, as objects of appropriative rights unconcerned with past action for their determination. Barry questions the validity of the Nozickean emphasis on the role of earlier acquisition and subsequent inheritance rights. He wonders what the virtue of getting there first is supposed to be, or in having an ancestor who got there first, where the Lockean proviso and Nozick could, rather unsatisfactorily, only reply along the lines of: “because people who grab first are better than people who grab second” (ibid., p448)! However, the correlation assumed by many between the legitimacy of states and their right to resources need not be made. Both Steiner and Barry for instance, argue for natural resources to be conceived as subject to a general right where everyone has an equal right to enjoy their benefits. The issue of natural resources and their location need not inhibit the potential role for states as distributors then, so long as natural resources are not assumed as a natural property of any given state.

Now, as noted, it can be contended that this emphasis on resources is misplaced for, as the current world system demonstrates it is empirically questionable to make such a close association between resources and wealth assumed by this critique. This is a valid observation but does not undermine the fact that whether resources turn out to be pivotal in the production of wealth in response to basic needs or not, resources as a material good potentially vital to meeting needs cannot be morally controlled purely by where they happen to lie. Of course, it is the case that wealth comes from so much more than simple resources, it relies heavily on individual work and how people order themselves, but what is also certain is that basic needs cannot be answered without access to resources and that any state which has managed to work without them on its territory has had to enter into schemes of interdependence in order to ensure that their population is fed. As such, the issue of sovereignty over resources remains problematic and counter-intuitive to any aim to enable the meeting of the basic needs of individuals independent of their state-membership.

The crucial thing here then, is that although it has been established that in its potential to organise, legalise and regulate resources and welfare as well as representing an existing form of association the state is probably the best tool with which to implement the Global Principle, we cannot continue with it conceived of as a sovereign and self-contained agent. The suggestion here is that there is an inherent incompatibility between how the state is currently conceived and the universalist character of the Global Principle. The disjuncture observed between the instrumental nature of the state in meeting needs and providing the necessary social and political context and the reality of the international political and economic system today can be explained through the agency-based identity currently assigned to the state. That is, so long as states are understood as having a supreme agency (articulated through sovereignty) of their own, independent of their purpose, enabling the meeting of needs globally will be impossible. Instead, the Global Principle, with its primary importance, will ultimately have to dictate the legitimacy of the state and its mechanisms. Thus, if states are to be maintained due to their currently representing the most viable form of association, not only is it necessary to adjust how we understand the legitimacy of statehood to be conceived but also the state itself will need certain characteristics in order to ensure the enablement of its citizens' basic needs. An example of the latter would include developing and entrenching the characteristics entailed by the notion of efficiency used above to defend the role of the state in meeting needs and tying those characteristics with the definition of the state itself.

Thus, whilst we have concluded that maintaining the state entity as a mechanism instrumental in creating the necessary structures for enabling the meeting of needs, what this first section has shown is that there are a number of problems with the state in this capacity, most notably the conception of it as sovereign, as having agency of its own (which includes control of resources and its economy) and as being the ultimate moral agent within the international. What needs to be done in the second section of this chapter then is: to discuss how the state needs to be *reconceived* in terms of sovereignty and obligation in view of the Global Principle perspective. Let us turn to this task now.

2. BASIC NEEDS AND A RECONCEPTUALISATION OF THE STATE WITHIN THE CONTEXT OF THE INTERNATIONAL

2.1. The State Reconcived: Enactor of Derivative Duties

In order to begin this reconceptualisation of the state we should recall that, as has been determined from the outset of the thesis, it is the individual who is the legitimate recipient and target of the Global Principle, the individual as a needing being, where the recognition of her needs is neither contingent nor reliant upon the existence of the state (but instead reliant on her definition as a human) and where such needs are uniquely human and cannot be transferred to the state (as say rights often are). The Global Principle itself describes an imperfect principle of obligation, which has both a global source and scope and requires explicit institutionalisation and enforcement in order to determine those with specific responsibilities and the recipients. Having suggested the state as a potentially viable institution through which the Global Principle can be carried out, we must here clarify how this could be conceived. As was mentioned in Chapter 3 the principle of 'ought' implies 'can' means that in assessing the suitability of the state it will be necessary to determine whether it has the capacity to enact the Global Principle and how we can conceive of it as doing so.

With this notion of capacity in mind, we might refer back to O'Neill's comments on the individual and her distinct lacking in capacity to fulfil obligations of justice; she says, "if ethical reasoning is accessible only to individuals, its meagre help with global problems should not surprise us" (O'Neill 1986b, p53). Instead, O'Neill argues, it is the state that should be understood as having moral responsibility towards individuals in its own right rather than as something subordinate to a higher form of power. Indeed, through her theory of social agency, O'Neill attributes to the state a particularly robust form of moral agency. As noted above, O'Neill argues that institutions such as states are more productive ways through which a principle of justice may be realised. What O'Neill is clearly saying here however is it is not just that states (and other institutions) are a more practical and efficient means of realising goals of justice but *they themselves constitute some sort of moral agent, capable of ethical reasoning*. O'Neill's conception of agency allows her to attribute the same sort of moral agency to the

state as one might to individuals. O'Neill understands agency as manifested in the ability to *integrate* capacities to *reason* and to *act*, and to maintain some *independence* from other forces and agents; she considers humans as limited in these four aspects (ibid., p62).

Correlatively, she sees it as "uncontroversial that nation-states (and other institutions) have all four of these features, in restricted and determinate forms" (ibid.).

It seems rather a push however, to make institutional agency directly analogous to human moral agency in the way that O'Neill does. For, whilst she talks of state "structures" which "provide methods of *integrating* a large range of information in *rational* ways and enacting national policies, whilst retaining some national *independence*" she does not explain how institutions, in their having moral agency, resemble humans in their cognitive capacities (ibid.). O'Neill argues that although institutions are not self-aware or conscious in the way that human agents are, "the aspects of cognition that are pertinent to agency do not hinge on self-awareness" (ibid.). However, in our understanding of the autonomy needed for action established in Part One, we saw that self-awareness was integral to a number of necessary features (such as intention, competence, control, reciprocity) and institutions fall short in this manner as potential actors. And whilst there will be inevitable disagreements between various accounts of human agency / action, it might be suggested that O'Neill finds it particularly easy to make human agency analogous with institutional action because she specifies individual agency in a peculiarly non-human way. She does this in opposition to the alleged 'realist' conception of the executive and cognitive functioning of human agents where human action which "attributes to agents only what is explicitly present to their consciousness" (ibid., p63) and can therefore make the jump to ascribing it to institutions.

Moreover, whilst O'Neill is able to demonstrate how institutions have the relevant capacities to collect, process and integrate information and act on it in the way a human agent might, she does not properly address the charge that these capacities derive from and express a *collection* of individual agents' capacities, and that attributing agency to institutions is a metaphorical exercise rather than one of meaning. She argues that seeing institutional agency in this way comes as a result of popular individualist approaches. This, however, is an unsatisfactory response given the explicit difference recognised by O'Neill in terms of self-awareness.

Another theorist who argues that some types of institutions can possess moral agency, and as such, can incur responsibilities independently of the differentiated individuals that compose them is Toni Erskine (2001, 2004, 2010). Like O'Neill, Erskine argues that the possibility of assigning moral responsibility for some types of action is lost if it is only individuals who are to be assigned moral agency (Erskine 2001, p83). Unlike O'Neill however, Erskine does not seek to attribute a specific type of moral reasoning capacity to institutions thereby making a direct analogy with individual agency; instead she seeks to articulate a middle ground between the anthropomorphising of institutions on the one hand and an exclusively individualist account on the other. The latter, she argues, fails to account for some group outcomes: "moral agency cannot be the exclusive realm of individual human beings unless some actions and outcomes are to be left beyond comprehension and critical evaluation" (Erskine 2010, p264). Erskine lists a number of features which have to be present if an institution is to be considered a moral agent; a group has to possess "an identity that is more than the sum of identities of its constitutive parts" which she says might be called a "corporate" identity, it must have a decision-making structure that "allows it to translate decisions into actions and ensures that policies can be implemented", as well as an identity over time and that identity must include an internally-defined conception of itself as a unit, rather than just a conception provided externally (ibid., p265). She argues that NGOs, states, religious groups, and military groups could all potentially constitute institutional moral agents, however she notes that the international community could not since it lacks "an identity that is independent of the identities of its constitutive members" and the necessary "decision-making capacity" (Erskine 2001, p72). Erskine describes how the structures of the institutions can transform the agency of those within them into something new and independent, she argues that collective responsibility comes out of "a degree of solidarity within a collective that would allow those not party to an action (nonfactors) to be held accountable for the action of the agent" (ibid., p70).

Most would agree with O'Neill and Erskine's implication that you need institutional organisation to implement change and obligations of justice. However, where there is disagreement here for us is the implication that these institutions take on a specific moral

character of their own, independent of the individuals that constitute them. Not only is the idea that institutions have a distinct form of moral agency problematic in terms of the way that the capacity to act in a moral way has been formulated in the first Part of the thesis (a moral action that cannot be made analogous for institutions) but importantly in terms of how to hold those institutions *responsible*, given that as we established in Chapter 1 of the thesis, part of what comes with being a moral actor (or 'agent') is moral responsibility, being held to account for one's actions.

Holding an actor responsible for an action can come in many different forms: praise, blame, rewards, punishment etc. The last of these examples, punishment, is interesting because: firstly, as Erskine observes, punishment (through mechanisms such as "economic sanctions, boycotts, imposed reparations, fines, 'naming and shaming,' and even dismantlement") is used regularly to justify action towards a range of institutions in the international realm, such as states, international organisations and multinational corporations and this punishment in its various forms "can arguably serve quite successful deterrent, retributive, and even rehabilitative functions" (Erskine 2010, p262); and secondly, the notion of institutional punishment brings to the fore the problems with attributing moral responsibility to institutions. Erskine points out that punishment is not the only form of response to institutional 'delinquency'; other forms could be reconciliatory, compensatory, forgiving, reformist or apologetic (ibid., p270). That being said, punishment is a good test case and the difficulties in punishing in a coherent and just way when it comes to collections of people expressed through institutions, are indicative of an underlying problem that is extremely hard to resolve. (Indeed, other forms of response will also run into the same problems but often with more indirect or less obvious problematic consequences).

There seem to be two main problems with punishing institutions. The first is the problem of assigning responsibility to 'agents' that are immune to suffering the consequences of being blamed or held to account; that is, how punishment can actually *bother* an institution. It is hard to see what the consequences of holding an institution retrospectively responsible would be like in terms of holding *it* to account or punishing *it*. This issue is referenced by Erskine in the title quote of her 2010 paper, "Kicking Bodies and Damning Souls" – that is, an institution does

not have a soul to be damned or a body to be kicked. The argument, as Erskine describes it, is that “the corporeal [...] nature of individual human beings renders them vulnerable to forms of punitive harm which Institutions, in the sense of formal organizations, are simply impervious” (ibid., p261). Those who get bothered by punishment are the *individuals* associated with the institution, those with bodies and consciousness. Punishment implies guilt, and guilt is only possible from an agent with the type of competences described in Chapter 1. This is where the second problem comes in: punishing those who are part of the institution but who have not been complicit in the punishable act itself. Significantly, it is not clear that there is any convincing solution for this misdirected harm which is not only problematic but indicative of the incoherence in attempting to give institutions a separate identity not merely constituted by a collection of differentiated individuals with agency. There seems to be only two ways that institutional punishment which punishes all would be just: firstly, if the required ‘collective responsibility’ was willingly agreed upon by all individuals prior to the punishable act committed; or secondly, if all individuals could be shown to have been complicit in the punishable action. The fact that one of these conditions has to happen is significant because it is essentially *individuals who give consent to being responsible* for what a collective may do. Essentially, the notion that a collection of individuals could create a higher and broader form of responsibility not assignable to individuated individuals does not work. For, both these conditions allow for group action but, crucially, maintain the individual as the responsible moral actor at its core. Ultimately, meaningful moral responsibility, and therefore moral agency, can only lie with the individuals that compose it²⁰. Significantly, whilst Erskine makes clear that her argument does not aim to make institutions analogous to humans (ibid., pp265-266); the argument here is if they are to be moral agents, they *need to* be analogous to humans. That is, institutions need to have the cognitive and corporeal capacities to act in a morally appraisable way. The problem however, is that they do not have such capacities.

At this point then, given the demands of our framework and having described the state as instrumentally useful in terms of implementing the Global Principle, it seems that the most sensible way to understand the role of the state is to see it as being assigned *derivative*

²⁰ In terms of the state, this will have some repercussions in terms of the form that a state will take, but this will be discussed in the next chapter.

obligations from the imperfect Global Principle (where its sovereignty is contingent upon the *realisation* of those obligations) and to conceive of institutions as a result of human-formed areas of action. States should remain morally transparent. Both Copp and Robert E. Goodin support this notion of derivative obligations. Copp argues that “when a collective entity has a duty, the members of that entity have derivative duties (*ceteris paribus*) to perform actions, taken together with the similarly required actions of other members, would constitute the entity’s carrying out its duty” (Copp 2005, p44). Likewise, in his theory of localised special duties, Goodin sees the duties of states as a mechanism by which we can distribute our general universally held obligation(s). For Goodin, *special* duties are “merely devices whereby the moral community’s general duties get assigned to particular agents” (Goodin 1988, p678). We can contrast these with the *general* duty expressed by the Global Principle. Any moral force these special duties may have comes from the fact that they “merely magnify” the already existing general duties (ibid., p671). What is crucial here is that special duties can be overridden since their legitimacy stems from their status as derivative of a general duty. The point for Goodin is that although we all hold a general duty globally, we may need to localise it for the type of reasons outlined above, i.e. the idea that since the general duty – or obligation – is sometimes more effectively discharged by assigning special responsibility to particular institutions (ibid., p681). National boundaries can be conceived of doing this in practice.

Notably however, Goodin argues that if institutions such as states are to take on the role of special duties there has to be sufficient redistribution of resources so that a state can effectively discharge its responsibilities. At this point Goodin argues that if after sufficient resources are made available a state shows itself to be incapable of discharging its duties as derivative from general duties, then it either should be aided, or *reconstituted* (ibid., p685). Having briefly described how we can understand the state to carry out special duties derived from a general obligation dictated by the Global Principle, this second issue highlights and leads onto two further aspects with regard to the state system and the state itself. Firstly, from the global perspective the need for a non-state based globalist range of institutions with authority to monitor states and implement action within those states who do not or cannot fulfil their derivative obligations; and secondly, a most fundamental point in terms of the *character* – the constitution – of the state itself. The question to be asked then, is how will

understanding the state in this way – i.e. where its ultimate legitimacy is contingent upon its capacity to meet needs – affect the character or constitution of the state itself? Whilst we can address the first aspect now in terms of its relationship with the reconceptualisation of sovereignty, the second issue raises a number of practical aspects of institutional reform and will be the subject of the next chapter. As such, we will look at the issue of sovereignty reconceived now, and attend to the practical consequences for the state and the international in the next chapter.

2.2. The Role of Non-State Actors and Multilayered Power

As already mentioned, what thinking about the failure of a state to realise its obligation reveals is the necessity of either a higher authority overseeing states or a more varied conception of institutions which can help implement the Global Principle; in other words, global agencies that are capable of articulating and enacting the Global Principle through the state mechanism. Along with conceiving the state as a capable enactor of the Global Principle, it might be remembered that the broad character of the imperfect obligation allows for important focus on the ethical responsibilities of all those agents capable of, and intrinsic to, needs-based reform. For example, O'Neill suggests that for those "quasi states" which are too weak to realise their obligations of justice, a variety of non-state actors may prove productive in helping them so do (O'Neill 2001, p188). She notes that non-state actors – such as international non-governmental organisations, trans- and multi-national companies and corporations, and "numerous transnational social, political, and epistemic movements that operate across borders" – can help in situations where states lack the capabilities needed to realise the just obligations (ibid., p191). In addition of course, as Walzer points out, in this sort of system where there are multiple agents acting in different capacities, it is essential to have "strong international regulatory agencies with the power to enforce their regulations" (Walzer 2004, p136). Overall, the stress here is on a diverse set of institutions as key in implementing principles of justice, institutions that hold a range of capacities and possibilities to contribute to justice in an assortment of ways.

The problem of incapable states and the allocation of roles to a number of different institutions of the international means that a more explicitly multilayered account of derivative responsibilities and power becomes increasingly necessary. Pogge offers what would seem to be a useful way of describing a situation in which the state plays a part in the fulfilment of the Global Principle but allows for and demands a more dimensionally fragmented and flexible understanding of responsibility (Pogge 2002). Pogge suggests that both *centralisation* and *decentralisation* of power and responsibility are necessary, that is: for governmental authority, or sovereignty, to be “widely dispersed in the vertical dimension” (Pogge 2002, p178). He argues that the benefit of conceiving of sovereignty in this multilayered way is that it enables a better guarantee that individual and locally-common needs will be attended to, where social diversity is most adequately addressed within a non-centralised system in which every level is externally represented and internally supported by coordinate political units. Moreover, the likelihood of oppression and abuse is lessened through the provision of the types of checks and balances a multilayered structure of sovereignty entails, “assuring that, even when some political units turn tyrannical and oppressive, there will always be other, already fully organized political units – above, below, or on the same level – which can render aid and protection to the oppressed, publicize the abuses, and, if necessary, fight the oppressors” (ibid., p183). Pogge’s theory also adds support to the observations made above with regard to the suitability of a localised (e.g. state) level of organisation when he points out rough geographical delineations are a good way to ensure the goal of equal participation in decisions that affect individuals’ lives – insofar as those decisions are morally closed (ibid., p185). This point is important in its highlighting the role for localised input but not the possibility of overturning the applicability of the Global Principle itself – for it is a concern with the applicability of such that motivates our reconceptualisation of the state system in the first place and offers support for the vertical model described by Pogge. Pogge’s understanding of sovereignty as a vertical concept where people are encouraged to identify themselves with multiple strata of sources of political action echoes Walzer’s notion discussed above of the possibility and existence of individual multiple-identities, albeit in a more lineal way. For example, he talks of allegiances to the local community, one’s city, county, state global region and the world itself, where “people should be politically at home in all of them, without converging upon any one of them as the lodestar of their political identity” (ibid., p178).

Whilst the nature of the Global Principle, within the context of the international, will require a range in levels of sovereignty and institutions in order to best ensure its implementation; as we established in section [1] of this chapter, the primary location of the derivative obligations stemming from the Global Principle, will be the state. As such, we should spend the second half of Part Three, Chapter 6, dealing with how the state will have to be internally transformed according to the needs-paradigm expressed through the dictates of the Global Principle. We also need to look at the socio-economic conditions required to help realise the obligations set out by the Global Principle. Before going on to do this, we should briefly summarise what has been established in this chapter here.

SUMMARY

We began the chapter by looking at the role of the state in the international system as an entity through which to enable the meeting of needs. In view of the requirement of effective rule, welfare provisions and developed social structures and their absence at the international level, the state was established as the best mechanism through which to realise the Global Principle. It was also shown that in assuming an *overarching moral agency* of its own, the supreme sovereignty of the state was conceptually problematic and antithetical to implementing the Global Principle (in terms of it masking the individual in a morally ambiguous opacity and its control of resources and the economy). As such we characterised the state as an enactor of derivative obligations stemming from the Global Principle in the context of an international arena composed of vertical, multilayered sovereignty.

Thus, whilst we have concluded that we should maintain the state-entity – as a mechanism instrumental in creating the necessary structures for enabling the meeting of needs – what this first Chapter in Part Three has shown is that there are a number of problems with the state in this capacity, most notably the conception of it as sovereign, as having agency of its own and as being the ultimate moral agent within the international. What needs to be done in the next chapter then is: to discuss how the state needs to be institutionally and constitutionally reformed in view of the Global Principle; to determine the necessary qualities of the state in

order to help realise the basic needs themselves; and to say something on the international setting and the potential measures required to help states enable the meeting of basic needs. Let us turn to this final task now.

CHAPTER 6

Political and Socio-Economic Consequences of the Global Principle for the State and the International

INTRODUCTION

In the last chapter we concentrated on looking at the justification of the state through the perspective of the Global Principle; correlatively we looked at the conceptual reforms necessary in terms of the state, its agency and the notion of sovereignty within the international context. We found that whilst the state was established as the best mechanism through which to realise the Global Principle (in terms of providing the necessary welfare and motivational structures to meet needs), it was also shown that in its assuming an *overarching moral agency* of its own it was conceptually problematic and antithetical to implementing the Global Principle (in terms of, for example, masking the individual in a morally ambiguous opacity, control over resources, and the effects of state-oriented economic policy disadvantaging those outside borders). As such, we characterised the state as an *enactor of derivative obligations* stemming from the Global Principle.

Thus, having spent the first chapter of Part Three establishing the conceptual reforms necessary in terms of the state system, the task of this chapter will be to look at the practical institutional requirements to come out of these conceptual reforms and out of the demands of the Global Principle in general. This will involve two aspects, both looking at the institutional reforms necessary for the state in order to *match the theoretical reconceptualisation of it made in the last chapter*. Firstly, the positioning of the state with reference to the *individual*; in other words, maintaining the individual as the primary target and recipient of the Global Principle through ensuring the state as a transparent tool – leaving the individual as the primary focus of

responsibility in the global arena – rather than as an opaque agent in itself. Secondly, it will also involve having the *capacity* to meet needs, both in terms of political and socio-economic institutional structures. The purpose of this chapter will be to elucidate upon both of these aspects, dedicating a section to each ([1] and [2] respectively). Let us start with the individualist-oriented one now.

1. TRANSPARENCY AND THE IDENTIFICATION OF THE INDIVIDUAL: DEMOCRACY, ACCOUNTABILITY & LOW CORRUPTION

So, to start with the first aspect; that is, the required characteristics of the state as a transparent tool of individual responsibility rather than as an agent with primary legitimacy of its own. Well, the main implication of understanding the state as an *enactor* of a more general duty to enable the meeting of basic needs will mean that transparency through *democratisation* is an inevitable requirement. This is because the democratic system helps maintain a state as transparent insofar as the individual's choices and actions are transferred to the government and the government remains a *representative* rather than a ruler. The point here then is *that the logic of democracy is to ensure that the state itself remains an expression of a group of individuals' autonomy, choices and actions*, as opposed to characterising an opaque autonomy of its own. To be clear then, this requirement of democracy is an outcome of the current state-based international system meeting a Global Principle, where the latter targets the individual and the former is grounded in the primary agency of the state. That is, the requirement of maintaining a transparent state comes from the *globalist* character of the principle of obligation within the context of an *international* state-system. It articulates a concern with maintaining the state as a transparent vessel through which to meet needs where the individual can remain primary as the *morally responsible agent* within the context of the international. Where the state can be sensitive to the needs of individuals within it and where the recipients of the obligation-based redistribution can remain identifiable.

A heightened transparency through representation of individuals' choices not only ensures identification of the individual within the international, but also that responsibility for those choices belongs to those within the state rather than to the state as a moral agent in its own

right. We must remember that the motivation for determining autonomy as a basic need came from an interest in determining what it is individuals must possess in order to be understood to author their own action, in order to be moral actors and be held responsible. Now, if you are in a political system that fails to let you self-govern and be partly responsible for that system – i.e. to be an accomplice in its policies – your ultimate responsibility as a person, as a moral actor, within the *international* realm is removed and the basic need for autonomy and freedom undermined. If the state is not a representative of a collection of individual choices the state remains a singular agent with responsibility of its own (derived from the ruler or few rulers who govern it) and the individual moral actor at the heart of the global needs-based principle of obligation is made both invisible and abridged, dissolved of moral responsibility and thus her legitimacy as a subject of the principle in the first place.

This discussion relates back to that of the last chapter in which we looked at the coherence of institutional moral agency. When looking at the issue of punishment and moral accountability, we argued that institutions can only be held to be morally responsible if those that constitute it can be understood to have been complicit in the decision-making process or at least signed-up in advance for a responsibility by association (see §2.1, Chapter 5). The former condition is what the democratic system should help achieve in the context of a state. Indeed, in her discussion of how to respond to delinquent states, Erskine notes that a democratic structure may play a role (Erskine 2010, p280). Erskine emphasises the role of *complicity* when attempting to implement punishment for a state; she argues that war, for example, as punishment for a state is incoherent unless we can show that “each individual member of the state” has been complicit (*ibid.*). The issue of war as a suitable response to those states who have acted wrongly is also discussed by Barry Buzan (2002). Buzan supports the idea that a democratic state can better ensure that individuals living in the state are responsible for state action at the international level. Buzan argues that under a democratic regime, the demos shares some responsibility for the foreign policy of its state; the demos has been given the freedom to choose its government and thus should have some morally relevant control over that government’s actions (Buzan 2002, p87). A clear contrast, he argues, would be those under occupation who cannot be held responsible for their government’s actions (*ibid.*, p88).

Of course, how convincing this notion that the demos controls its government's action is, also depends on what we understand democracy to mean. It depends both on the form of the democracy itself (i.e. how much control it grants the demos over the political realm) and upon the amount of autonomy and freedom the system allows its populace (whereby the citizens are moral actors themselves with the capacity to direct the political arena). We will discuss the latter in the next section when we look at how effective a democratic regime should be in enabling the meeting of basic needs. As for the former, there are many different forms that the democratic process can take – for example, direct democracy versus representative, deliberative versus aggregative, or majoritarian electoral systems versus proportional – and some of these are likely to be more conducive to institutionalising political transparency through a more accurate transfer and representation of individual choice and action.

There are a number of factors to consider in these opposing systems that we do not have time to go into here, but broadly in terms of the electoral system best representing the choices of its voters and thus transferring such choice to the state level, it seems fair to suppose that proportional representation is favourable. Since the number of candidates should be proportionate to the number of people giving them a vote, a system of proportional representation will more likely better represent individual choice than a system in which the winner takes all (Lijphart 1999, chp8). Likewise more direct forms of democracy will likely increase an effective transfer of individual action to the state level. Of course, for a truly maximal transparency, a direct democracy based on unanimity would be the solution, where “every member of the society wills freely every law which is actually passed” (Wolff 1970, p23). In reality however, the practical impossibilities of this system should be evident, and it is only in the realm of the abstract that this works as a system. Nevertheless, whilst a unanimous direct democracy system is impractical, a more direct form of democracy could be argued to be the most conducive to making the state politically transparent. Direct democracy involves political mechanisms through which “citizens decide or emit their opinion on issues – other than through legislative and executive elections – directly at the ballot box through universal and secret suffrage” (Altman 2011, p7). Such mechanisms include referenda, recalls, plebiscites, and popular initiatives. The idea behind these institutional apparatus is to ensure individual power to directly affect legislation (rather than electing a representative to decide

upon legislation). For example, popular initiatives use publically initiated petitions that, with a given number of signatories, can force a public vote and thus potentially reframe policy. Likewise, referenda are used in some countries for constitutional changes (e.g. Ireland) and in others more regularly, acting as a means of veto by the populace on government proposed laws (e.g. Switzerland). As such, it might be a tool considered conducive to transferring individual preferences to the state level, since they effectively can grant a populace a veto on proposed laws.

There are of course many practical and monetary drawbacks to such forms of direct democracy that have long been debated (e.g. *cf.* Arendt 1958; Pateman 1970; Cohen 1989, 2009; Anderson 2009; Hardin 2009), and the variations of direct and representative democracies and – most commonly – hybrids of the two are too numerous to discuss. Nevertheless, what the derivative status of the state as a consequence of the Global Principle means is that the preferable forms of democracy will be those that increase the power of the individual voters to direct and thus take responsibility for their state's political actions.

Along with this political transparency in maintaining the individual at the fore within the international, there must also be transparency in terms of public spending and the economic transactions of government so that the distributors and recipients (directed by the Global Principle) are clearly identified and able to maintain just economic relationships. Accordingly, another requirement of the state is the elimination of corrupt economic practices and maintenance of economic transparency. In his discussion of the necessity for transparency guarantees, Sen notes the importance of trust and openness in economic relationships, arguing that transparency provides a freedom to deal with one another in the context of disclosure and lucidity (Sen 1999, p40). Sen asserts that transparency guarantees have “a clear instrumental role in preventing corruption, financial irresponsibility and underhand dealings” (*ibid.*).

Some examples of domestic measurements that might aid transparency are: laws on disclosure of potential conflicts of interest; contracts and tenders made public; regular independent auditing of municipal accounts; civil society involvement in major public projects; and appropriate crime reporting facilities (Khosla 2002). Internationally, Pogge suggests that

corrupt governments should not be granted the privilege of freely borrowing in the country's name and freely disposing of the country's natural resources. Currently, he argues, these privileges are cherished by authoritarian rulers and corrupt elites in poorer countries (Pogge 2002, p114-115). Another international measurement, suggested by Paul Collier, is that state-leaders should be stopped from amassing illegal fortunes in foreign banks through a closure of safe havens for corrupt money and by forcing Western banks to report deposits when they occur (Collier 2007, p135). Robert Calderisi suggests similar measures in hope of combating corruption internationally, he also argues that there should be facilities for tracing and recovering public funds as well as ensuring bank accounts are open to public scrutiny (Calderisi 2007, pp208-9).

In aiding this economic transparency and acting as a remedy for the corruption associated with the poor dispersal of aid amongst citizens, the democratic state system demanded by political transparency can also play a role. *Transparency International's 'Corruption Perceptions Index'* published annually shows that democracy – along with high levels of economic development (which we will discuss below in §2.2.1) – is a strong predictor of low levels of corruption (Transparency International, 2011). From a Schumpeterian (1943) perspective we can understand democracy as involving accountability and competition for access to political power, which inherently should act as a restraining mechanism on corruption.

The democratisation of states and the eradication of corruption are required conditions in order to maintain an identification of individual agents as responsible for state action and as distributors / recipients according to the Global Principle. These are systemic requirements that come about as a result of positioning the state within the context of the Global Principle. That is, in the context of a state-system by consequence of the Global Principle of obligation *there is an obligation for countries to democratise*. This is because through the needs-based perspective states are a channel through which that distribution will occur, and in so being they have to remain as transparent as possible in order to make autonomous and responsible the individual in the context of redistribution.

However, as noted at the outset, the Global Principle in its conferring an obligation to enable the meeting of needs will require political and socio-economic measures, and correlatively it might be suggested that the democratic system and eradication of corruption might also be relevant factors in helping enable the meeting of basic needs within the state (e.g. freeing the individual from a coercive regime). That is, there are a number of likely political and economic conditions that need to be realised in order to best ensure enabling the meeting of needs, and a non-corrupt democratic political system will likely be one of them. We should discuss this further now along with other likely conditions necessary for enabling the meeting of the two basic needs.

2. NECESSARY CONDITIONS FOR ENABLING THE MEETING OF BASIC NEEDS

In Part One of the thesis, we determined that the two basic needs were autonomy and freedom from external control. As part of which, we detailed a number of constituent needs: where autonomy entailed a need to be surviving, freed of mental illness, severe disease and injury, and to have working biological functions, rationality, competence and control; and freedom from external control entailed an absence of compulsion, coercion and deception. The aim now is to discuss these basic needs in the context of the types of political, social and economic institutional conditions necessary for their being met, and make them a little more concrete by discussing them in the context of the [2.1] Political and [2.2] Socio-Economic institutional characteristics of the state and the international. Conveniently, the distinction made in Part One between the internal (psycho-physiological) control needed (i-vi) and the external requirements of negative freedom (vii-ix) nicely maps onto the distinction between the socio-economic conditions required to meet needs and the political conditions required. So, whilst they are mutually reliant, broadly the need to be free from external control will be answered primarily through *political measures* whilst the need for physiological and psychological control will demand certain *socio-economic conditions*. We should start with the political conditions entailed by a recognition of the Global Principle.

2.1 Political Conditions Entailed by the Global Principle

In its negative character, the basic need to be free from external control demands specific political mechanisms for its realisation. We might contrast this with the other needs, which in their broadly positive nature demand more than structures merely ensuring non-interference with freedom. In Part One, it was noted that external control can be understood as inhibiting choice through limiting individual options – primarily through compulsion, coercion and deception – so as to determine a lack of freedom. Correlatively, it was observed that, anyone interested in adopting a moral framework will have to recognise the requirement of freedom from arbitrary control. So, in terms of the institutional realisation of this basic need then, it seems clear that a system that ensures that individuals are free from arbitrary domination from external sources is required.

2.1.1 Democracy and political rights & liberties: the basic need for freedom from external control

Whilst we have just seen that a democratic state maximises the possibility of identifying and reflecting the individual agent within the international through open and accountable government, it *also* works on the premise of individual freedom. That is, it ensures part of the basic need for *freedom from external control*; the democratic system assumes that the individual will be an agent and free to choose. Indeed, according to Philip Pettit, when it is properly understood, it can be uniquely described as “the free state” (Pettit 2001, p174) since political freedom, “as long traditions have emphasized, is inherently tied up with the ideal of democracy” (ibid., p154). Carol Gould affirms this view of freedom and democracy as inherently tied, arguing that historically theories have understood the quality of democratic governance as a *condition* for freedom from external constraint and the liberty of individual action (Gould 1988, p31). As Robert Dahl notes, this freedom is linked with the democratic system in a unique way; where both advocates and opponents of democracy have long recognised the unique link with freedom, a link that cannot be observed with other kinds of regimes (Dahl 1989, p88). Traditional democratic theory understands a democratic state’s legitimacy as originating in its ability to protect the individual from external control, where “the guarantees of such citizen rights also binds the state” (Lane & Ersson 1999, p159).

In reality of course, democratic systems can take many different forms and realise the need for freedom from external control to a greater or lesser extent, and we must be careful not to over-idealise or misrepresent it. Nevertheless, in line with the rest of the project, we shall maintain a theoretical stance based on the theoretical legitimacy of the democratic system (and thus, caveat) and as such can try to outline here the types of the freedoms that we are broadly talking about when we talk of democratic systems.

The type of democratic system suited to the realisation of freedom from external control will provide a number of conditions that will have to be constitutionally guaranteed. These conditions necessary for helping eliminate external coercion can be conceived in terms of a collection of political rights and liberties. Dahl and others (e.g. Beitz 1981; Lane & Ersson 1999, chp6) argue that inherent to any democratic process is the existence of specific rights, liberties and opportunities and “as long as that process exists then these rights, freedoms, and opportunities must necessarily also exist” (Dahl 1989, pp88-9). The crucial link between normative freedom and democracy can be understood through the many rights that arise out of a concern with the two, according to Griffin for example: “freedom of expression, of assembly, the right to privacy, to information and so on” (Griffin 2008, p243). Conducive to our purposes, Jan-Erik Lane and Svante Ersson suggest a collection of rights which all stem from an ultimate concern with a free mind in harmony with the needs specified here for autonomy (in terms of the cognitive capacities of rationality, control and competence and freedom from physiological inhibition of choice) and freedom from external control (particularly in terms of the need for an absence of coercion and deception). They suggest that a *right to free speech and collective speech* (e.g. press) is one obvious fundamental liberty to extend from the right to a free mind. Furthermore, they state, *freedom to vote* in elections and referendums and to *participate politically* can be understood as another form of free speech and press. Lane and Ersson point out however, that a democracy is not only concerned with ensuring individuals can form and express opinions, but also with ensuring the freedom for individuals to associate and organise. Where such a freedom will include the *freedom to: demonstrate; organise; protest; and form political parties and trade unions* (Lane & Ersson 1999, p160). Accordingly, these fundamental rights entrenched by the concept of political liberty central to democracy work to delineate the boundaries between individual freedom and the mechanism of the

individual's control of the state (ibid.). Along with this collection of political rights and liberties, Romi Khosla suggests a number of institutional arrangements necessary to help realise freedom grounded in Sen's framework for instrumental political freedoms: forums for free debate; protection for dissenters; free media; existence of political parties; elected bodies; facilities to scrutinise authorities; constitutional arrangements to ensure; checks and balance between judiciary, legislature and executive; decentralisation; and citizen's participation (Khosla 2002).

Thus, in order for the need for freedom from external control to be realised – as part of the requirement of the Global Principle – political rights and liberties such as these will have to be legally guaranteed at the national level and enforced globally. There have been a number of suggested measures that might help ensure this. For example, Pogge suggests that democratising states should be protected from authoritarian predators by the setting up of institutional arrangements that prevent such predators from enjoying the borrowing and resource privileges noted above in section [1]. He also suggests the creation of what he calls a "Democracy Panel"; a panel created under the auspices of the United Nations (UN) that can monitor democratic processes and be there to judge when democracy has been undermined. A consequence of this would mean that any contracts signed by regimes judged *not* to be democratic should have no legal binding force on subsequent regimes (Pogge 2002, pp156-8). Alternatively, Calderisi's suggested measures to monitor democratic rule globally involve internationally supervised elections, the promotion of supportive dimensions of democracy and the establishment of review groups to oversee government policy (Calderisi 2007, pp210-5).

What emerges as important here is not just the transparency – in terms of identifying individuals – that a democratic system can provide, as described in section [1] above, but also the set of political rights and liberties inherent to that system itself. Such rights ensure the individual as primary in a system of need-based obligation as well as help contribute to the basic need for freedom from external control of that individual. However, although it is clear that in its grounding a democracy should provide the requisite freedom, it can be suggested that the equivalent can be offered by non-democratic means of rule and accordingly, that

there is no reason to favour democracy on such grounds. Griffin for example, argues that in theory, it is plausible to imagine a state in which the populace enjoys the same type of freedom as attributed here to the democratic system but which is ruled by a “trusted benevolent dictator” where the society is sufficiently small to ensure the necessary trust needed for a sense of continuity and security (Griffin 2008, p248). Isaiah Berlin puts it more strongly when he argues that there is no logical connection between liberty and democratic rule. Berlin concedes that a system of self-rule is more likely to result in the protection of civil liberties but he argues that there is no necessary connection between the two. He points out that the question of “who governs me?” is quite a separate one from “how far does government interfere with me?” and accordingly the relationship between the two answers is also quite distinct (Berlin 1969, p130).

There are a few issues to point out in response to these critiques in the context our needs-based theory. The first is in response to Griffin’s point; on the basis of history it seems quite implausible that a despot, even of the kind Griffin describes, would ensure freedom for everyone and guarantee this indefinitely. Dahl notes that “the record of human experience provides convincing evidence that people who, because of their exclusion from citizenship, are deprived of the opportunity to defend their own interests will almost certainly not have their interests adequately taken into account by the demos from which they are excluded” (Dahl 1989, p104). Moreover, the possibility of realising the type of despotic state Griffin describes within the current international system seems unlikely; indeed, Griffin himself recognises that modern conditions – that is, “highly pervasive government, large population, advanced technology, concentration of coercive power at the centre, ethnic diversity, educated citizenry, the sort of social cohesion necessary for a tolerably successful democracy, and so on” (Griffin 2008, p248) – make it improbable that a non-democratic regime could be compatible with the protection of individual freedom. He asks, “would we, if governed by a benevolent dictator in typical modern conditions, have the assurance that liberty requires?” and answers “I think not” (ibid., p251). He argues that citizens lack the necessary deep acquaintance with the dictator from which to gain the necessary rational assurance of benevolence in intention, and that they will suffer lack of certainty and inhibition of life choices from the inevitable uncertainties about what regime would follow the end of the dictator’s rule (ibid.). Thus, he says, even if a non-

democratic regime were to turn out to provide benevolent rule, its subjects are unlikely to have the type of assurance that freedom requires (ibid., p252). Moreover, Griffin points out, we need to be concerned with the probable along with the possible: “we live not just in modern conditions but also in the real world, subject to all the vagaries of human nature and the nature of human societies” (ibid., p253).

Moreover, if we recall, what formed part of the need to be free from external control was not just the requirement of guaranteed freedoms and liberties but the role of *arbitrary power*, and the importance of being free of situations in which “one person (or group) is able to control the action of another in accordance with his personal whim or caprice” (Plant et.al 1980, p47). Being subject to arbitrary power then, is different from a system of laws or rules that have been chosen, are understood, and have agreed limits. As Griffin argues, authoritarianism is unpredictable where those who are controlled are always subject to potential barriers to their purposive action, unsure when and how, making all action potentially subject to possible arbitrary interference. Accordingly, such types of restriction “on all or any purposive activity must be a hindrance to the moral life, however it is conceived” and as such, “on any moral view, not only on some, it threatens moral activity” (ibid.).

2.1.2 Democracy: the basic need for autonomy required and protected

The importance of the assumption of purposive action here brings us to the second critique of democracy, that of Berlin’s, and the fundamental element underlying both critiques generally: that there is a distinction to be made between control through coercion and the source of that control (Berlin 1969, p129). Berlin argues that it is the former that is relevant when thinking about freedom not the latter. In other words, we are looking at the political structures enforced rather than the reasoning behind such structures and logically, he argues, the democratic source is equal to the despotic in terms of control (ibid.). This distinction can be further corroborated by observing the separate roots of the two concepts in question (as Berlin does by saying they both answer different questions) – democracy and freedom: where democracy can be understood as a good derived from a procedural point of view in order to manage collective decision-making; and freedom on the other hand is a (primary and

fundamental) normative good. Thus, the roots of the two are quite separate and, at first sight, it might not be altogether surprising that more than one version of the former type of good could accommodate the latter.

However, although the moral feature of freedom is central to morality in terms of it being presupposed by it, the aim of this thesis was to establish it as logically necessary within any moral theory rather than it possessing a moral nature of its own (i.e. it cannot be said to be good or bad, just necessary). This fact takes it back to a closer connection with democracy than one might have supposed when hearing Berlin's critique, where examining the *source* of freedom actually becomes both relevant and revealing since it tells us something about the role of freedom presupposed by the origins of the system itself. Thus, it is not just the provision of political liberty that is important, the reasoning behind such provisions can be meaningful also; in other words, what the instruments of political liberty assume about the individual is important. The provision of structures by a non-democratic form of government which ensure negative freedom are inherently undermined by the fact that the ultimate say over the validity of such principles do not come from the individual but an authoritarian ruler. As Beitz points out, the freedom from external control enshrined in the political process is only meaningful if it is entrenched as something derived from a certain understanding of the individual – i.e. as a moral actor – rather than as something simply given by an authority (Beitz 1981, p181). A democratic system works on the premise that people have moral *autonomy*; that they have both the capacity to make choices and self-govern as well as the legitimacy to do so.

The connection between moral autonomy and the democratic system of governance is evidenced then by the recognition of the central role for autonomy by the system itself: in its grounding in the premise that individuals should choose how they are ruled there is the assumption that they are in a position to do so and that being in that position is something of central importance. It is the assumption implicit within its system that reveals why a democratic organisation of the state is not only probably the better option internally but that it is morally compatible with our basic need perspective. Dahl argues that "because the democratic process maximises the feasible scope of self-determination for those who are

subject to collective decisions, so it also maximally respects the moral autonomy of all who subject to its laws” (Dahl 1989, p91).

So then, the democratic system with a collection of political rights and liberties is not only fundamentally relevant to the basic-needs paradigm in terms of protecting the individual from external control (one basic need) but also in its assumption of individual autonomy (the other basic need) and its allowance for individual control of the system. Furthermore, as noted above the freedom of the individual and her potential to exercise influence makes it more likely that the system will be sensitive and aware of her needs; where, these rights “enable people to engage in open and rational debate and thus improve decision-making about how to optimise need-satisfaction” (Doyal & Gough 1991, p225).

What becomes apparent in this summary of the benefits of the democratic system in terms of realising the obligations of the Global Principle is that we may have overlooked the potential for a state to have an anarchic structure rather than a democratic one in seeking to help realise individual autonomy and freedom. Robert Paul Wolff for example, suggests that the type of Kantian understanding of autonomy being used here – where “the autonomous man, insofar as he is autonomous, is not subject to the will of another” (Wolff 1970, p14) – is incompatible with any political authority, where authority is understood as a right to command and demand acceptance of that command. Such authority held by the state establishes “the right of the state to command the individual and of his obligation to obey, *whatever may be commanded*” and means a necessary forfeiting of personal autonomy by the individual (ibid., p40). Indeed, this critique somewhat reflects the potential conflict between coercive state powers and the promotion of freedom that we saw in §1.5 of Chapter 4 (through observing a difference between enforcement and coercion and the fact that freedom – along with autonomy – involves more than mere non-interference). In terms of Wolff’s anarchist challenge specifically however, there are a couple of different points to be made in reply to it: the first deals with the internal critique of democracy in terms of its claims about freedom and autonomy; the second suggests some problems with an anarchic system from an external perspective, i.e. within the context of the international system.

As always the persuasiveness of Wolff's argument is somewhat dependent on what form of autonomy one is striving to achieve, whilst on the whole he subscribes to the same sort of Kantian definition as we do, he also argues that "if all men have a continuing obligation to achieve the highest degree of autonomy possible, then there would appear to be no state whose subjects have a moral obligation to obey its commands" (ibid., p19). As established in Chapter 1, we are not talking here about a maximal realisation of personal autonomy, rather moral autonomy. In this context then, of course it is crucial that individuals self-govern in so far as being responsible for their choices and actions, and are free from control, but this is not immediately incompatible with a democracy where individuals are given the types of political rights described in §2.1.1 to influence the governance of the state. Indeed, Wolff assumes that to be autonomous, one must get the outcome one chooses, but it is not altogether clear that this need be the case. If an individual is in a system where they have the option to become part of the government or choose a member of it to represent their interests, and their chosen representative does not succeed to be elected it seems doubtful we should then deem all those who voted for her not morally responsible as individuals or indeed as part of the populace represented as a whole.

We can still hold people morally accountable in these circumstances because of the nature of the relationship between individual autonomy and representation. It seems mistaken to think of those in power in a democratic state as holding the sort of authority that undermines moral autonomy. Gould describes the type of authority that rulers have in a democracy as *derivative*. She argues that if we are to conceive properly of representatives as holding authority as transferred to them and no "original or autonomous power or right to make decisions for whom they represent", then we manage to understand authority in a non-hierarchical way and it becomes compatible with the autonomy and freedom of the individual (Gould 1988, p224). Thus, when authorisation for representation is derivative it can only come from the individual and will be "instituted, delimited, and revocable by the members themselves, and is exercised in their interest" and can be contrasted with fundamental authority, which "rests in the agents who constitute an association" (ibid., p225). Gould suggests that a system based on derivative authority will involve frequent consultation, procedures of election and recall, and that the representative's position is one that is subject to review and replacement (ibid.).

Likewise, Pettit puts forward a number of procedural constraints on the political process, so to ensure freedom from domination. Whilst Pettit is concerned with a civic republicanism not relevant to our purpose, his constraints might be pertinent in terms of supporting the type of non-hierarchical authority suggested above. Pettit suggests the need for: deliberative democracy, where government decisions should always be supported by reasons and those reasons should be subject to parliamentary and societal debate; bicameral approval through two elected houses representing a variety of mixed interests and required for approval on most legislation; and depoliticized decision-making in areas where politicians are likely to be unavoidably biased by self-interest, so that certain decisions are left “to bodies and officers who are appointed on a statutory basis for a set period of time” (Pettit 2001, p168-9). Pettit also suggests a number of other measures to help ensure freedom from domination, where his measures helpfully reinforce the transparency that we saw required above. For example, there should be independent accountability with a “provision for the auditing of government accounts by an independent authority”; and freedom of information where documentary information on issues of particular importance or interest to the public should be made open so to be scrutinised by the public and press if desired – subject to time embargo where necessary (ibid., p169). Pettit also argues that there should be a separation of powers to guarantee independence of the judiciary, legislature and executive powers, with approval needed by the legislators for key executive initiatives and that the rule of law that is intelligible, consistent and promulgated and equal in application (ibid., p168). Overall, Pettit understands such measures as “providing ordinary people with pre-emptive resources of contestation against government decisions” (ibid., p169)

Independent of the arguments for measures to increase democratic autonomy, a further reply to Wolff’s suggestion that anarchy is the system best suited to realising individual autonomy is that in the world as it is and human nature as it is, the democratic state would seem to be the best on offer. Contrary to what Wolff argues it is not clear that an anarchic state would actually be conducive to individual autonomy. Indeed, despite his reliance on the Kantian notion of autonomy, Kant himself saw anarchy as less able to guarantee freedom and autonomy. Kant argued that due to the reality of human nature, where humans are not always well disposed

toward one another, there needs to be, as a requirement of justice, institutions of enforcement (O'Neill 2000, p139). He saw that any project of developing an account of justice would have to acknowledge this fact of nature, and accordingly accept that enforcement will be required in order to prevent individuals coercing each other. Accordingly, for Kant, non-state intervention (such as anarchy) gives even less guarantee for freedom and security. Dahl too believes that in an anarchic environment people are actually more likely to lose basic freedoms for there needs to be a structured assurance of non-interference rather than a reliance on "the arbitrary will of others, recalcitrant wrongdoers not open to dissuasion" (Dahl 1989, p49). Indeed, as noted above in the discussion of authoritarianism as unsuitable, freedom from external control requires protection from coercive interference from *other citizens* as well as from the government. Thus, laws that can give protection to all from all are required; "this amount of freedom – protection both from criminal fellow-citizens and from criminal governments and officials – amounts in effect to Montesquieu's 'freedom to obey the law'" (Plant et.al 1980, p48).

2.1.3 National constitutional guarantee of the Global Principle

This address of the anarchist critique provides us with a good opportunity to reaffirm the distinction between individual action as the subject of a normative framework and the political structures being suggested here as practical consequences of the international system and the state entity. Correspondingly, we have to distinguish between political authority and moral authority and in so doing, "a state can never lay claim on moral grounds to the political obligation or duties of its citizens to obey the law, but only on the grounds of the benefits that are the consequences of the state's system of laws" (Gould 1988, p230). This is an important point to make in response to the concerns about the potentially paradoxical relationship the democratic system has with obligations outlined by the principle of justice. To clarify, the concern might be this: when democracy is defended on the basis of it enabling autonomy and freedom – i.e. the freedom for individuals to act and choose – individuals then have the freedom to choose (through voting for example) legislation that undermines individual autonomy or freedom. So, in the case of the Global Principle, people might argue that democracy and the necessary redistribution that the Global Principle entails are incompatible

since those individuals could vote for a libertarian government that gets rid of all redistribution of resources (which we can assume would undermine the obligation to enable the meeting of everyone's basic needs).

However, this concern does not account for the institutional measures that could be introduced to ensure that autonomy and freedom are protected. To be clear, the defence of the system of democracy here has been an explicitly instrumental one; a democratic state has been recommended as the best one through which to enable the meeting of the basic needs. In its *instrumentally* useful nature then, democracy must be understood as secondary to the primary goal of the Global Principle. The Global Principle has lexical priority. Thus, as noted in the last chapter, in order for the Global Principle to be realised, there will need to be concrete international institutional arrangements that ensure the protection of certain measures central to the meeting of needs. For example, this would mean an institutionally guaranteed set of political rights and liberties (the kind of which were mentioned above) and redistributive measures where and when necessary to ensure the meeting of basic needs.

Within the state itself, tools of implementation of the Global Principle will need to be constitutionally guaranteed as opposed to democratically decided upon; where the subsistence right that comes out of its institutional implementation "deserves to be recognised as a constitutional essential – it must be included among the fundamental legal considerations of constitutional democracies" (Alegre 2007, p248). In other words, the Global Principle demands that the political and liberty rights central to realising autonomy and freedom and access to the goods necessary for autonomy and freedom are guaranteed by state constitutions. What is crucial here is that, in line with how we have conceived of autonomy and freedom – i.e. as giving rise to the person's capacity of purposive action – there needs to be a *guarantee of the conditions for participating in the democratic procedure in the first place*. That is, having spent Part One showing how autonomy and freedom from external control come prior to acting and choosing, what is correlatively obvious here within the context of the democratic system is that such conditions will have to be protected both because that is what the Global Principle stipulates but also because democratic decision-making is only possible when needs are being met. As Marcelo Alegre notes, "even the most proceduralist view of a constitution, presenting

it as a mere set of rules to elect public officials, must presuppose some minimum access to the conditions that make democratic elections and political discussion possible” (ibid., pp.249-50).

In order to guarantee the types of redistributive mechanisms and political rights entailed by the Global Principle their validity will have to be decided outside the legislative forum; in their being constitutionally guaranteed the implementation of these mechanisms and rights will have to be protected by the judicial arena. Accordingly the democratic decision-making process will be responsible for discussing the implementation of the rights and redistributive demands to come out of the Global Principle, rather than the legitimacy of the Principle itself or the rights and redistribution it entails. Both Alegre and Osvaldo Guariglia argue for the same guarantees in terms of socio-economic rights; Alegre notes that in clear cases of governmental violation (of such rights), judges could be used to adjudicate as they currently do in terms of other constitutional rights and rules (ibid., p251). Guariglia outlines his argument in terms of socio-economic rights, but we can note it here in terms of our basic needs: meeting basic needs “necessarily entails a restriction on those in power politically with respect to the distribution of fiscal resources and, generally speaking, the economic policy of the state. There are prior social goals that must be met before any others” (Guariglia 2007, p352).

An obvious objection here however is that there is a contradiction in promoting democracy as a consequence of the Global Principle whilst also giving institutional room for a wide-ranging set of socio-economic oriented policies outside of the democratic decision making process. The argument is that social policy should be directed by the electorate through its representatives rather than by the judiciary; it should be subject to democratic scrutiny rather than beyond it. As Guariglia notes, it is objected that, “if judges were to determine priorities in the distribution of budgetary resources, we would face a situation incompatible with a democratic state” (ibid.).

In responding to this notion that legally guaranteed provisions for the realisation of autonomy and freedom (such as distributive principles and political rights) undermine democracy, we might make a comparison with the traditional view of political rights. It is widely accepted that the constitutional protection of political rights is central to the working of the democratic

process and is not undemocratic in so far as those rights are *part of the logic* of the system²¹. So, when the judicial realm, as opposed to the legislative arena, makes decisions on the protection of political rights that are inherent to the democratic system such decisions are viewed as democratic. This argument is made in correspondence with a particular understanding of democratic decision-making. There are two ways of establishing a decision as democratic in nature: the first is that a decision has been *made* democratically (e.g. voted upon), it is *procedurally* democratic; the second is that the *content* of the decision protects democracy (Fabre 2000, chp4). If we were to take the first definition of democratic decisions then it is true that a legally guaranteed need-based principle will not be democratic, however if we take the second definition then it will be democratic so long as the principle guarantees the conditions necessary for individuals pursuing a democratic system. Thus, once the argument of Part One has been accepted – that is, autonomy and freedom require a number of political and socio-economic goods for their realisation – it must also be recognised that a political system such as democracy in relying upon the idea of citizens being autonomous and free, will necessarily have to guarantee the meeting of such needs. The judiciary’s power to highlight and direct governments when they fail to realise their obligations as described by the Global Principle, is legitimised through its stemming from the cogency of the Global Principle itself. As such, it is “in no way synonymous with substituting democratic political agency with tyranny of the judges” (Guariglia 2007, p352). There are also ways to ensure that the powers of the judiciary are kept in check and address concerns about the democratic and technical weaknesses of courts. For example, Alegre argues that the level of scrutiny of courts “should be directly proportional to the urgency of the needs involved”, and that participatory means of resolving conflicts in this area should be encouraged in accordance with a political voice and in line with the idea that needs (or socio-economic rights for Alegre) are inherently tied with effective political action and participation (Alegre 2007, p252).

2.1.4 International institutional guarantee of the Global Principle

²¹ It should be noted that whilst it is accepted by many, there is a large debate on the democratic legitimacy of *any* constitutionally-guaranteed political rights, which we do not have the space to get into it here (*cf.* Dworkin 1990; Ackerman 1991; Arneson 1993; Waldron 1993, 1999).

It should not be forgotten that in its role as a need enabler, a state's obligations in terms of the implementation of the Global Principle are derivative. The derivative nature of state obligations means that there is a need for a non-state based globalist range of institutions with authority to monitor states and implement action within those states that do not or cannot fulfil their derivative obligations. Indeed, as Alegre notes, whilst there are many states that have constitutional texts which guarantee a concern with basic needs, many such states still fail to meet basic needs (Alegre 2007, p254). As part of this, at the international level there needs to be legal-institutional guarantees for the realisation of the Global Principle similar to those just described domestically. When observing that the socio-economic rights described in the *International Covenant on Economic, Social and Cultural Rights* have no mechanism ensuring their enforcement – unlike the civil and political rights of the *International Covenant on Civil and Political Rights* which have a form of enforcement mechanism through the hearing powers of the Human Rights Committee – Guariglia suggests an international tribunal as a protection of social and economic rights might be a good way to guarantee state compliance on subsistence globally (Guariglia 2007, p356). Guariglia notes that a consequence of an International Tribunal would be to ensure the normative accountability of international commercial and economic relations, where judgements are impartial and independent from influence from those involved (ibid., p357). The aim of such an international tribunal would be to provide control and potential sanctions against any body within the international, such as the state or TNCs, who fails to fulfil the Global Principle to the best of its capability.

This type of international legal guarantee of the Global Principle would work alongside the other types of reforms suggested above in terms of increasing transparency and democracy globally – such as: Pogge's Democracy Panel and his reforms for corrupt regimes, bargaining powers and resource privileges; Calderisi's measures to monitor democratic rule globally, transparency in spending and facilities for tracing and recovering public funds; and Collier's bank reforms and closure of safe havens for corrupt money. What should be made clear here however is that the democratic reform involved is directed at states – in order to enhance the freedom and autonomy of the individual. For, as our discussion above has reaffirmed, the Global Principle is objective and not dependent on consensus. Therefore the character of the global bodies of regulation, such as Guariglia's International Tribunal, Pogge's Democracy Panel

or the institutions regulating transparency will not need to be democratic in character – they need to be guided by the obligations of the Global Principle. As Gewirth points out, in order to remedy the inabilities of state governments to attend to the needs of all, there has to be “what may be called ‘moral globalization’, in symmetry with economic globalization but with a substantive focus on moral policies and institutions, [...] dedicated to implementing such moral policies on a worldwide basis” (Gewirth 2007, p235). He gives the UN and the EU as two examples of international institutions “which seek to impose certain standards of human rights for morally justified policies” (ibid.). Whether these two bodies are ones that would be suitable for emulation is unclear (particularly given their overly bureaucratic nature, state-centricity, and limitations in any objective principles of justice as underpinning their mandates), but what is clear is that the international bodies regulating states and ensuring they realise their derivative duties will not be dependent upon democratic legitimacy.

2.2 Socio-Economic Conditions Entailed by the Global Principle

As noted at the outset, the Global Principle does not only demand the institutionalisation of certain political conditions for its realisation – conditions that, as we have seen, tend to concentrate on the realisation of external control – it also requires certain *socio-economic conditions* in order to address the internal control-needs of autonomy (i.e. needs (i)-(vi)). There are a number of institutional arrangements that will need to be made in order to best fulfil the derivative obligations concerned with many of the constituent needs of autonomy to come out of the Global Principle.

When we established the psychological constituent needs of autonomy in Chapter 1, it was shown that the maintenance of them would rely on external input in aiding development and attention to psychological health. We suggested that some developed provisions (medical, psychiatric, psychological and social) would be necessary to allow individuals to maintain mental health, along with adequate educational and developmental facilities to help respond to the individuals’ need for rationality. Along with rational capacities and freedom from mental illness, it will also be remembered that in order to achieve psychological autonomy, part of the process depended on the attainment of basic *competence* and *control*. As was noted in Chapter

1, there is a wide set of skills which need to be mastered in order to achieve personal competence, skills such as perception, anticipation, memory, verbal communication, exploration, effecting stimulus changes in the environment, skilled manipulation of surroundings, and achieving higher levels of motor and mental coordination. These skills were all seen to contribute to, and as necessary for, effective interaction with one's environment. Likewise with the need for control, moral learning, general education and observation/interaction with the world were suggested as central elements in its attainment. Accordingly, a combination of the need for competence and control was seen to demand a fairly comprehensive set of social and economic provisions. Where, the development of cognitive skills through interaction and teaching of others was established as integral to the capacity to deliberate and reflect; and a level of education, developmental support and social and physical interaction as instrumental in making operating purposively possible. Because of the emphasis on learning, interaction with the environment and reciprocal determinism in the development of the self in the psychology literature used to develop an understanding of our cognitive constituent needs, the socio-economic framework provided is of central importance (White 1959; Bandura 1997).

Accordingly, *education* is an important institutional arrangement that will need to be made to help individuals achieve the necessary cognitive skills for autonomy. Likewise, a *welfare system suitable to providing cognitive, social and psychological facilities necessary* for those in need. Some measurements of these arrangements might include literacy; mean years of schooling; primary level education enrolment, welfare safety nets in terms of carers and societal care. It should be noted that the nature of the education necessary will vary according to the different ways in which local contexts demand interaction. For example, literacy in most places will be necessary for a minimum level of action but perhaps not in all. What is key is that across all cultures, individuals acting purposively will require some general minimal level of education, and whilst the specific skills needed will always be debateable "*it cannot be denied that these general skills are required by everyone*" (Plant et.al 1980, p51, emphasis added). In terms of meeting the need for absence of mental illness, the WHO (2011) notes the necessity of having psychiatrists, psychiatric nurses, psychologists and social workers in order to ensure mental health is attended to. It also suggests some institutional measures necessary if the need for

mental health is to be met: *mental health inclusion in the public health agenda and public mental health leadership*; well-organised *mental health services and human resources for mental health*; and *treatment integration* within primary care.

Likewise, the *provision of healthcare and welfare* where needed will be necessitated by the physiological constituent needs of autonomy. If we recall, the physiological constituent needs were all needs that would require a fairly comprehensive range of socio-economic provisions. For example the need for *survival* would likely require some form of welfare support (such as free protective housing, food and clean water) to guarantee the need is met where it arises. This need would also require *sanitary conditions* in the water system, as would freedom from *severe disease and physical injury*. Along with the need for *working biological functions*, the need to be free from severe disease and physical injury would also obviously entail an advanced and reliable healthcare system available to those where needed. Some measurements then to assess how fulfilled these physiological needs are, would include: life expectancy; number of emergency doctors per population; hunger (calorie intake); existence of shelters and subsidy for victims of famine or disasters; and arrangements for protection from extreme deprivation. To achieve these types of social and protective arrangements there will necessarily be a diverse set of localised institutions besides the government: for example, civic institutions, local authorities, educational facilities, political parties, media and the market” (Khosla 2002, p7).

2.2.1 Socio-economic development in response to needs, and the role of democracy

Interestingly, whilst, as predicted due to the positive nature of our physiological and psychological needs, the conditions necessary for their realisation all tend to fall within the socio-economic dimension, the political arena has been shown to have a correlative effect here. For, although in the abstract the structure of the democratic system itself (favoured above in terms of realising the negative need to be free from external control) does not guarantee the meeting of the physiological and psychological constituent needs, on the basis of empirical evidence the democratic system is revealed as the *most likely* to do so. That is,

where sought, a meeting of a full-range of needs is likely to be a product of having democratic societies.

Indeed, in terms of the democratic accountability of a state and the correlative political rights and freedoms it provides for its citizens, many theorists argue that democratic institutions will actually help reduce the socio-economic oriented needs occurring in the first place by promoting economic growth (Feng 1997; Leblang 1996; Olson 1982, 1993; Sirowy & Inkeles 1990). Sen's work, for example, has explicitly linked institutional freedom and rights with advancement in development. Sen avers that famine occurs not only from a lack of food, but from inequalities built into mechanisms for distributing food and that famines do not occur in functioning democracies because their leaders must be more responsive to the demands of their citizens (Sen 1999, chp6)²². He remarks, "no substantial famine has ever occurred in any independent country with a democratic form of government and a relatively free press" (Sen 1999, p152). Along with democracy, the type of accountability and absence of corruption called for in section [1] above can also be seen as conducive to meeting socio-economic needs; where "many poor countries have corrupt institutions and ruling elites, which do not serve the interest of the people and contribute to their poverty" (Pogge 1994, p213). This fact helpfully reintroduces the notion of efficiency discussed in the last chapter, a notion used to underpin a defence of the state system as the best in which to meet basic needs. Walzer explicitly suggests that efficiency of a state in meeting needs will include the absence of corruption (Walzer 2004, p136); for, it is clear that if the country is so corrupt or non-accountable to its citizens that it fails to deliver the transfers, then the legitimate recipients will not get what is owed to them and the just "distribution" shall never have occurred. Interestingly, in his discussion of the appropriate framework of action with regards to impoverished societies, John Rawls recognises the important role of political culture in a burdened society. Informed by the work of Sen, he recommends that aid to burdened societies should come in the form of democratisation rather than money; he notes that famines are "attributable to faults within the political and social structure" (Rawls 2002, p109). Whilst Rawls's argument highlights the importance of political

²² By way of evidence for the correlation between closed coercive states and the non-fulfilment of basic needs, one can point to the fact that, in 2008, of the 39 countries with an adult mortality rate of over 40%, 32 were either 'un-free' or only 'partly free' with only 7 of them considered free. Incidentally, the highest adult mortality rate in 2008 was held by Zimbabwe, considered one of the least free countries in the world, and stood at 77% (Freedom House 2008; WHO 2010).

frameworks in terms of socio-economic progress, it nonetheless seems highly unrealistic to suggest that basic needs would be met purely through political reform. As such, we should now go on to look at some potential *economic* reforms conducive to realising the socio-economic dimension of the Global Principle.

2.2.2 Global and domestic economic conditions

Whilst, as we established in the last chapter, the state itself provides a good arena for the collection and allocation of necessary goods, we also saw in that chapter that limiting the economic realm to the state – through economic sovereignty – is both conceptually incoherent as well as counterproductive in terms of realising the Global Principle. As such, the global economic system is obviously central in any response to the Global Principle. Accordingly, we might ask two questions: firstly, is the current system effective in terms of meeting the basic needs?; and secondly, if not, what might an effective system involve?

The current economic system and the possibility of meeting needs

So, to attend to the first question: Is the current system effective in fulfilling the Global Principle in view of the socio-economic requirements we found central to needs being met above. Of course, there has been no aim to fulfil any such principle in reality, but we can nonetheless assess whether, having realised the primacy of the Global Principle, the current system would be sufficient. So, the overarching question to start with then is, are basic needs currently being met globally? Well, the answer, quite simply, is: no. There are a number of statistics, although of course extremely general and insensitive, which are nonetheless useful in revealing the general picture of the ways basic needs globally are far from being met. For example, in terms of adequate shelter (needed for survival), there are over 1 billion without it (UN-HABITAT 2003), in terms of food and water (essential for all the physiological needs), over 780 million people do not have access to safe drinking water (UNICEF 2012) and 925 million are chronically undernourished (FAO 2010). Regarding the need to be free from severe disease: 2.5 billion do not have access to improved sanitation and almost two billion lack regular access to essential medicines (WHO 2004). Finally, in terms of the psychological needs: concerning

education there are 796 million illiterate adults (UNESCO 2011); and concerning mental health, 32% of countries have no community care facilities for mentally ill patients; 30% of countries have no specified budget for mental health; and 64% of countries have no mental health legislation or they have legislation that is more than 10 years old (WHO 2005). When looking at specific countries, we can note that the countries with the worst performance over the past few years in meeting basic needs, (where they are very low in the requirements of autonomy and freedom) are: the Democratic Republic of the Congo, Afghanistan, Ethiopia, Eritrea, Chad, Somalia, and Mauritania. Other very poor performances (that is, countries that are also low on the constituent needs for autonomy, but partly free) come from Mozambique and Sierra Leone, Central African Republic, Niger, Burundi. Western European countries, North America and much of the Western Pacific region perform consistently highly²³.

Of course responding to the constituent needs is not straightforward or easily subjected to the type of average-based quantitative empirical analysis undertaken by the World Bank, UN and WHO. Indeed, in their sensitivity to local requirements, needs are far more subtle than global health and freedom statistics allow for. If space and time allowed, it would be helpful to make a more detailed review of where and how needs are being met. However, not only is there no space for this empirical analysis but such an analysis would entail a comprehensive and nuanced study tailored to the needs as outlined in the forgoing chapters. Accordingly, this task must be left to another time and another type of work.

Now, whilst these coarse and preliminary statistics suggest then that the current economic system is inadequately formed in order to fulfil the obligations set by the Global Principle, they *also* raise the question of whether it would be possible at all, given the world as it is in terms of economic resources, to fulfil the obligations of the Global Principle. This is a key question, for, as was established in Chapter 3, obligations only have meaning or application when it is possible to carry them out. So, the obligation to enable the meeting of everyone's needs is only meaningful *if it is possible*. As was argued at the time, the reason why the framework of

²³ This country specific analysis comes from looking at the freedom ratings of each country (Freedom House 2011) along with a sets of data relevant for achieving autonomy, such as: life expectancy (WHO 2011, pp.46-53), access to clean drinking water and sanitation facilities (WHO 2011, pp.104-110), literacy rates and primary school enrolment (WHO 2011, pp.153-159), and calorie intake per day (FAO 2008).

obligation was chosen for meeting material needs was because the meeting of them relates to finite resources. Thus, there is theoretically always the possibility of not having the necessary global economic or resource capacity, and if it were shown that capacity was absent then the demands of the Global Principle are made meaningless and the derivative obligations it entails disappear. So, it must be asked whether it is even possible to meet everyone's basic needs in terms of economic resources.

To put it into context: Pogge notes how small the global poverty problem is in economic terms, i.e. in terms of how much of an impact solving it would have on the global economy. He observes, that if the global poverty were "larger by one-third than the official statistics imply, the aggregate global poverty gap in 2001 would still have been a mere 1.2% of the global product" (Pogge 2007, p12). Pogge points out that in 2001, "with 0.9% more, all could have lived above \$2 a day" and met their basic needs or interests (ibid.). Whilst an income of less than \$2 a day per person has become a widely recognised benchmark for defining the global poor (Collins et al. 2009, p1; Banerjee & Duflo 2007), there is still of course an assumption being made here that \$2 a day per person would be sufficient in financial terms to realise the sort of freedom and autonomy put forward here. Well, if we look at how the UN defines the poor – those living in poverty – we can then decide whether it is accurate to use this \$2-a-day benchmark to argue that it is possible to meet basic needs globally. In a declaration and programme of action, adopted by 117 countries in 1995 after the *World Summit on Social Development* in Copenhagen, which sought to reduce overall poverty, the UN understands those living in poverty to suffer from:

...lack of income and productive resources sufficient to ensure sustainable livelihoods; hunger and malnutrition; ill health; limited or lack of access to education and other basic services; increased morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments; and social discrimination and exclusion. It is also characterized by a lack of participation in decision-making and in civil, social and cultural life (UN 1995, chpII, §19).

This description of this set of people can be understood to describe quite accurately the types of basic needs we have seen as required for autonomy and free action. Accordingly, it seems sensible to work off this \$2-a-day benchmark. With this in mind, combined with Pogge's evidence, we can affirm that: *it is economically easily possible to meet the basic needs of all globally.*

When putting required action in terms of a benchmark such as \$2 a day, what becomes obvious is that the implications economically of meeting basic needs are not radical or overly demanding. Yet change along the lines suggested here would be substantial. Of course, the change is not merely economic, as our discussion above has shown. The 0.9% necessary increase that Pogge advises would only be sufficient in getting every person to the \$2-a-day benchmark, and not ensure all the other necessary conditions such as global political reform and strong international institutional mechanisms required to monitor this. These changes would require economic funds as well as will, expertise and time. Nevertheless, the point here has been to determine whether in theory, the basic needs of autonomy and freedom from external control are possible to meet in terms of the current global economic situation and we have established that *they are.*

Some suggested economic reforms

Having thus established the possibility of realising the Global Principle in terms of economic resources, we might look at a few suggestions about possible reforms to the economic system that could be conducive to enabling the meeting of needs. Because the Global Principle is not egalitarian in outcome it leaves fairly wide open the variations possible for sufficient economic systems, requiring only that the best will be a system capable of enabling the meeting of needs globally. The problem is that there is little agreement on what that system may look like. Indeed, as Hartley Dean points out "there is no agreement as to how even the most basic needs of the poorest members of humanity may be met" (Dean 2010, p173). This fact can be exemplified by the fact that in the current system there is disagreement between international monetary bodies in terms of the best course of action for a just system. For example, whilst a strategy of social development, based on laissez-faire and selective emergency welfare

provision is pursued by institutions such as the WTO and the World Bank, a system of universal social security and insurance provision is favoured by the International Labour Organization.

Nevertheless, there are some clear limitations that the Global Principle does set; for example, given the levels of social, educational and health structures required it will be clear that not all types of systems could be adequate. In their research on the best political-economic systems with which to meet needs, Doyal and Gough have determined that at least two systems would be insufficient given the requirements of a needs-based framework: state socialism and unregulated capitalism. They point out that despite the Marxist principle '*to each according to his needs*' supposedly underpinning the ideology of state socialism, it fails as an adequate system for a number of reasons, all broadly stemming from its undemocratic structure and inefficient centralised planning (Doyal & Gough 1991, p287). By contrast, in terms of unregulated capitalism, Doyal and Gough found that whilst it has an undoubted ability to meet the wants of individuals, the potential for it to be the best system in the quest to meet needs is doubtful. They argue that due to likely monopolies, the incapability of the market to provide sufficient public goods and "the self-negating effects of some self-seeking activities" mean that in terms of production, "satisfiers of the appropriate quantity, nature and quality will not necessarily be produced" (ibid., p292). Likewise in distribution, the unregulated capitalist system will enable some to meet all their non-basic needs and preferences whilst leaving many without any entitlement to basic need satisfiers. Thus, they argue that there needs to be regulation and a normative underpinning for the market (ibid.).

In terms of the regulative measures of the current system, there have been various global fiscal measurements suggested as a way redistributing wealth and helping meet individual needs. For example, in looking to transform the system through which the poor have been consistently disadvantaged by affluent powers distorting practices for their benefit Pogge proposes a Global Resources Dividend (GRD). This is a mechanism for redistributing on the basis of use of natural resources, where states pay a tax as a percentage of the value of the resources they use to go towards poverty eradication; it envisions that "states and their governments shall not have full libertarian property rights with respect to the natural resources in their territory, but can be required to share a small part of the value of any

resources they decide to use or sell” (Pogge 2002, p196). Interestingly for us, Pogge sees that the “proceeds from the GRD are to be used toward ensuring that all human beings can meet their own basic needs with dignity” (ibid., p197). The Global Humanitarian Levy is another fiscal mechanism, one suggested by Tom Campbell; it “aims to capture the humanitarian basis for the alleviation of extreme poverty by instituting a universal obligation to participate in tackling poverty as a global issue through a mechanism that embodies rough proportionality with respect to capacity to assist” (Campbell 2007, p67). There is also the Currency Transaction Tax (CTT), perhaps better known as the Tobin Tax, where “1% tax on all speculative currency transfers as a way to tame global markets and fund social development” (Dean 2010, p175). As noted by Dean, a prominent proponent of this was social policy theorist Peter Townsend who argued that, along with Debt Relief (for a UN Child Investment Fund) it was possible and necessary to regulate transnational corporative action and ensure their contribution to social development (Townsend 2007, p38).

SUMMARY OF CHAPTER 6 & CONCLUSION OF PART THREE

We started this chapter with the findings of the previous chapter in mind, the conception of the state as an enactor of derivative duties and in need of some practical institutional reforms by virtue of this new conception of it as an enactor of the Global Principle. We will recall that we had found that a recognition of the individual agent having a needing nature has a significant impact upon how a state and its political mechanisms should be understood, both in terms of a reconceptualisation of the state as an *enactor* of special need-related duties rather than as an originator of those duties, and of the *practical* ways we might think about addressing the two basic needs (and their constituents). The task of this chapter therefore, was to look at what these practical reforms might be and to discuss them explicitly in terms of enabling the meeting of needs. We found that in order to ensure the state became a transparent tool (guaranteeing the individual as the primary focus of responsibility in the international) rather than an opaque agent, democratisation and increasing measures for transparency were necessary. We stressed democracy and transparency as essentials in this area so that individual action in terms of how she directs the state and conducts herself as a responsible agent remained the focus of responsibility within the international realm. We also

saw that the implementation of a democratic system, along with a collection of rights and liberties, was also necessary to ensure the best response to the basic needs for freedom and autonomy. Where, the democratic state was seen to be the most likely to provide guaranteed freedom from arbitrary external control as well as both assuming autonomy as a value underpinning the logic of the system and being more sensitive to individual needs when they arise. We also saw how the democratic system is likely to be one that brings about the best form of economic development conducive to enabling the meeting of basic needs in terms of material provision and advancement. The issue of economic development was further explored in a discussion of the socio-economic arrangements required by the Global Principle in terms of meeting basic needs. We discussed the various measures that were deemed as likely being necessary (e.g. welfare provision, emergency shelter, healthcare, psychiatric care and education). We finished the discussion of the socio-economic dimension of the Global Principle requirements with a brief look at the global economy, finding that the Global Principle, as a global application, is far from being realised and accordingly looked at a few reforms that have been suggested as amenable to meeting needs.

As noted at the outset of Part Three, some of the conclusions reached in this Part are speculative; for example as we have discussed, it is *possible* that one might argue that a benevolent and efficient despotic regime would be more conducive to meeting needs or that a world state is the way forward rather than the overlapping multi-layered sovereign model we suggested. We have provided arguments for why it seems most likely that a democratic state, within the context of other institutional arrangements at different levels, is the set-up most likely to come out of recognising the Global Principle. Nevertheless, since the Global Principle by nature does not specify political and economic structures these arguments will always be subject to debate. What come as logical conclusions from the Global Principle and how we have conceived of autonomy however are two things: that the individual will be the primary agent of the international; and that she will have to be provided with sufficient freedom from coercion, compulsion and deception so that she can meet her basic need for freedom from external control as well as a political and economic system that can provide welfare and sufficient developmental structures in order to meet her basic need for autonomy. As such, it

will be through the maintenance of these two features that we can judge the cogency of the international system and the state itself.

What might be argued at this point however, is that given the strict universalism defining the first two Parts of the thesis, the findings of Part Three are rather underwhelming in their support of the status quo. It could be argued that in showing that there is a universalist principle of justice concerned with the individual, that the theoretical implications and practical consequences detailed in Part Three are disappointing in their reaffirmation of the current system. Now, whilst it is true that on the face of it, to merely reaffirm the state-system in light of a universalist framework of basic needs seems meagre, there are nonetheless, a few things to point out.

Firstly, whilst we have maintained the state as a legitimate primary actor within the global context, its legitimacy is *contingent on the Global Principle being realised*, thus its character and its *continuation* are also Global Principle dependent. So, as noted in the last chapter, reconceiving the state's primary justification in terms of its capacity to realise the Global Principle means that if it fails in this capacity it will be subject to reform and reconstitution. This is quite a significant implication both in terms of practical consequences but also in articulating the paucity of the state's legitimacy when unable to attend to the individual. This ensures that the individual is at the fore within the international, and not merely one actor of concern. What is key here then is that whilst there has not been a substantial practical shift in terms of re-ordering or eradicating the state-system, there has been a substantial *conceptual shift* with greater ramifications than might be immediately evident on the surface.

Having said this, we should be careful not to downplay the practical reforms that Part Three has recommended also. As recapped just now, we saw a number of institutional reforms that, if actually implemented globally would have a significant impact; the notion of constitutional guarantees of the Global Principle dictating enforced political rights and liberties as well as distributive mechanisms to meet the welfare aspects of autonomy. As such, the reforms required of states are quite extensive in terms of their practical reality if implemented globally. It will be recalled that part of the aim was to provide a more objective foundation to the

individual's claims on the state. Correlatively, the hope is that we have provided a logic-derived reasoning behind the necessity for increased transparency, political rights and liberties at the global level, rather than based those rights in vague notions of inalienability or human dignity. So whilst it is not new to suggest that democracy should be institutionally required globally what is more unusual is to have this grounded, albeit as an instrumental value, in something objective and concerned with requisites of moral action. Accordingly, a needs-based promotion of democracy, political rights and liberty gives more concrete reasoning defeating the notion that democracy can only be justified upon peculiarly Western-centric grounds. In conjunction with this issue of objectivity, we noted above that those institutions responsible for ensuring states fulfil their derivative obligations, are not subject to democratic consensus from states which frankly, in terms of needs, should have no say at all. This not only ensures a fairly strident reconceptualisation of justice at the Global level but it also rids us of the paradoxes so evident at the international level currently, where countries which abuse their own citizens as a practice have a democratic say in the legitimacy of state action and international legislation at the international level.

With these conclusions determined, we can now close this chapter and the third and final Part of the thesis. We should now move to conclude the thesis altogether with a summary of what has been said throughout its three Parts and some observations on the implications of our findings for the discourse of IPT in general (as opposed to the state-system discussed here in this chapter). Let us turn to this final task now.

CONCLUSION

Having thus completed the three Parts of the thesis, we should now conclude. We shall do so by summarising what has been argued and established throughout as well as considering some overarching implications of our findings for IPT itself and theorising about poverty in general.

Summary of the Argument

We started with *Part One* of the thesis, the aim of which was to set out the first stage of the argument, that is: (i) *If we are to formulate or carry out moral action at all (in other words, if we want to make or act upon normative principles) we need to be moral actors. And, (ii) in order to become moral actors in the first place there are certain basic needs – autonomy and freedom – that must be met.* We began Chapter 1 by suggesting that the human is not born as a moral actor (understood in terms of responsibility) but instead needs certain conditions in order to become one; we established two stages required for action, which in turn provided us with the two basic needs. The first stage – *autonomy* – was seen to involve having the appropriate mental and physical conditions in order to formulate authored and voluntary intentions. We established that this choice would come about from having both the necessary mental development and the freedom from physiological frustration of that choice. The second stage of action – *freedom from external control* – required having the freedom from any external barriers compelling, coercing or deceiving one’s autonomously formulated intention. The two basic needs, autonomy and freedom, were perceived as necessarily coming prior to any participation in a normative life or a full conceptualisation of justice, where to be moral agents (understood as responsible for our action) in the most minimal of senses, the need for (moral) autonomy and freedom from external control must be fulfilled first. The aim of the second chapter was to develop the concept of a ‘basic need’ itself and reveal what characteristics we were attributing when using it as the primary concept upon which to base the argument. Basic needs were considered in their opposition to wants and desires, in terms of control and volition as well as in relation to the question of instrumentality. We found the character of our basic needs to be instrumental, inescapable, entrenched, and universal. The overall aim was to put into context both the background motivation for an exploration of the basic needs for autonomy and freedom from external control, as well as clarifying their core characteristics as *needs*. Overall, the conclusion of Part One was: *basic needs are a prerequisite*

for moral action and even in the origins of ethical discourse, basic human needs are formative, necessary and a lexical priority.

Having articulated the first stage of the argument we then proceeded to *Part Two* of the thesis, which was dedicated to showing why, as a consequence of what was established in Part One, there is a universal principle to enable the meeting of the basic needs where possible and to determining both the principle's character and exact formulation. The argument which Part Two established at the outset and then proceeded upon was that: (iii) *Any normative framework that relies upon or addresses the person as a moral actor has to acknowledge and ensure that the needs of individuals are met, and as a matter of lexical priority. Therefore, if there are any moral principles at all, the first moral principle is to have – where actually possible – every individual's basic needs enabled to be met, and as a matter of lexical priority.* Correlatively, (iv) *This is a universal principle (in source and scope) because any exclusion of certain individuals would entail further development of the moral principle of favouritism, which involves a process of moral deliberation and can only arise after the basic needs have been met.* Once having determined the coherence of such a universal principle, we then went on to discuss the most meaningful and productive way to articulate it by examining the discourse of rights and obligations and found that the notion of an imperfect obligation best expressed our principle both in terms of dealing with finite goods and allocation of duty and encompassing the notion of capacity within it. In the next Chapter, 4, through a discussion of some existing theories concerned with responding to needs through *a priori* moral principles of obligation, we characterised the exact nature and wording of the principle itself. We called it the Global Principle, and formulated it thus:

'There exists a universal imperfect obligation to enable individuals to meet their basic needs of autonomy and freedom within the course of a normal life span. Meeting these basic needs should be prioritised over meeting the non-basic needs or wants of anyone, but without sacrificing one's own basic needs'.

Having established our Global Principle we then found ourselves in a position to move to the next and *final Part* of the thesis, in which we looked at the configurative implications and

practical consequences the principle has in terms of the international system and the conception of the nation-state. In other words, we looked to explore the final part of our overall argument, that (v) *This universal principle will require certain political and economic structures in order to be best realised*. We began Part Three with Chapter 5 in which we looked at the role of the state in the international system as an entity through which to enable the meeting of needs. In view of the requirement of effective rule, welfare provisions and developed social structures and their absence at the international level, the state was established as the best mechanism through which to realise the Global Principle. It was also shown that in the sovereign-state assuming an *overarching moral agency* of its own it was conceptually problematic and antithetical to implementing the Global Principle (in terms of its masking the individual in a morally ambiguous opacity, and control of resources and the economy). As such we characterised the state as an *enactor of derivative obligations* stemming from the Global Principle in the context of an international arena composed of vertical, multilayered sovereignty. As a consequence of the requirement of reconceptualising the state and the international, we then, in our final chapter, went on to look at how the state itself needs to be reconstituted in terms of political and socio-economic institutional reform. We found that in order to ensure that the state became a transparent tool with which to secure the individual as the primary focus of responsibility at the global level, democratisation and increasing measures for transparency were necessary. We argued that a collection of rights and liberties along with the implementation of a democratic system, a system underpinned by the assumption of autonomy, was necessary to ensure the best response to the basic needs for freedom and autonomy and identification of individual needs when they arise. In addition to the political measures required by the Global Principle, we also discussed the various socio-economic measures that were deemed likely to be necessary (e.g. welfare provision, emergency shelter, healthcare, psychiatric care and education). It was noted in the last section of the chapter that whilst some regions have been successful in meeting basic needs, there were many areas of the world in which basic needs were far from being met, and concluded accordingly that the Global Principle, as a global application, is far from being realised.

The aim overall was to create an alternative route to the identification of the individual as the primary agent of the international; it is a route that, it is hoped, proved concrete both in terms

of its theoretical underpinning and its subject as one that is universally and psycho-physiologically felt. Indeed, the concept of need can be used to reveal a tendency towards a form of nihilistic fatalism that some more extreme components of the communitarian doctrine have in their treatment of the individual within the normative context of the international realm, whilst correlatively highlighting some juxtapositions within the discourse of IPT, those between: justice and humanity; negative and positive rights; obligations and rights; and significantly, the gulf that exists between the expectations of normative theory and the finitude of the human being.

Basic Needs, Human Vulnerability and the Implications for Meaning in International Political Theory

Whilst we looked at the implications for the state and the international system in Part Three, we should also note some of the implications that the theory here has for the discourse of normative International Political Theory in general and for the meaningfulness of any of those theories within it which assume individuals as actors. The argument made in this thesis has been one that has turned fundamentally upon a recognition of human limitation and finitude (set by the basic needs) and the quest to ensure this aspect of humanity is encompassed and dealt with by any moral framework chosen for pursuit. Correlatively in terms of IPT, from this perspective there exist numerous and various moral frameworks of action that presuppose responsible agents whilst failing to ensure those agents have been both freed of the physiological boundaries their bodies have set for them as well as adequately equipped with the necessary psychological tools to make decisions of their own. From a basic-needs perspective, there is an inconsistency within those moral frameworks that assume individual agency yet do not account for, or accommodate, the inherent features of being a human that potentially limits them from achieving purposive action. It would seem therefore that normative theories of IPT need to acknowledge the formative role of needs in the action they require of individuals, and correspondingly, to either account for the meeting of those needs somehow or recognise the priority that meeting needs will have to have within moral thinking.

The role of action is, as noted, central to any moral theory, but its role is particularly notable when absent in situations where normative theories demand explicit or visible action as indicating consent or lack of it. This notion can be demonstrated well in theories of political legitimacy where the people are taken to give consent to a political system by their implicit acceptance of it through non-rebellion, for example. To give one example of this: Michael Walzer, a key IPT theorist, provides a very comprehensive theory of state, community and legitimacy which partly turns on an assumption that a state truly represents the shared meaning of the community situated within it when the community has not expressed its displeasure at its government through rebellion. However, the question that a theory such as this excludes in its construction is: How can we *expect* people to rebel against their government in cases where they lack the capacity to do so? That is, whether, given potential deprivation we can mark them out as moral actors central to a theory of state justification. Walzer, despite in later work acknowledging that instead of desperate poverty mobilising people to resist it actually “makes most often for political passivity” leaves us with a defence of nation-states which may not meet the basic needs of their citizens, whilst still assuming the existence of shared-meanings and the importance of self-determination (Walzer 2004, p132). Another example might be John Rawls’s theory. Whilst Rawls partly derives his centrally-placed notion of ‘primary goods’ – which are the necessary prerequisites for the realisation of the moral person, her powers and the ends she can achieve – from the notion of need, he does not see needs as *constituting* his theory of primary goods in general (Rawls 1982, p166). However, the problem with Rawls not placing needs more centrally ultimately is that his individual in the original position is less convincing as a person with the potential to *choose*, or to formulate any principles of justice. There is a confusion in Rawls explicitly requiring that principles of justice are to be worked out in the original position whilst implicitly assuming that basic needs have been met prior to the meeting in the original position, i.e. where all citizens have “physical and psychological capacities within a certain normal range” (ibid., p168). As we showed in Part One, such types of capacities can be articulated through the concept of autonomy, and they are capacities that need to be met rather than assumed since they are prerequisites for the original position to work at all.

These two theories provide illustrations of how normative frameworks can place action or autonomy at the centre in terms of being relied upon to indicate legitimacy and the character of a state or as a decider of principles of justice whilst at the same time lacking the necessary attention to how this agency comes about and its vulnerability as a necessary good. It is an issue of *meaningfulness* and the argument here is that meaning in normative theories of the international can only come from a consideration and understanding of what is needed for agency to come about. Correlatively, it is mistaken to assume the people whom we may be describing will necessarily have the same capacity for action as those in wealthy and peaceful democratic states where political rights, freedom and welfare are protected. To talk of a peoples' freedom to act – perhaps contrary to their authoritarian oppressors – when they are suffering from external and internal constraints, such as starvation or threats of execution, is to not fully acknowledge what action and moral responsibility entail. Such people cannot act in an autonomous or free way and as such can give no implicit, or indeed explicit, consent for their situation. We cannot take for granted a type of moral person (as capable of expressing a will) that our framework has shown can only be realised once basic needs are met. Furthermore, the pertinence of this issue is supported by the correlation that often occurs between heavy oppression and a population largely deprived of its basic needs – and thus their capacity to rebel.

What both Walzer and Rawls, and a number of other thinkers discussed in the thesis (such as Taylor, MacIntyre, and Sandel) would argue here however that our theory fails to acknowledge the cultural or communal context. This critique has arisen and been articulated in different forms throughout, and in its various guises expresses the general worry that whilst “to attribute needs to people presupposes certain standards or norms as to which among human propensities or characteristics it is desirable to foster”, these norms are culturally bound (Fitzgerald 1977, p47). It is true to state that accepting the importance of the basic needs is contingent upon accepting the view of autonomy and freedom here, but it is not true that cultural boundaries prohibit a needs-based framework as relevant in a general sense. It is, in fact, the other way around. And therein lies part of the appeal of needs: the objective and a-historical existence of these needs necessarily entails that, if there are to be any normative principles, these needs will go to define the *primary* and *universal* norms. The existence of

needs is dependent on the nature of the human being not on what standards we have set out prior to looking at those needs. In other words, needs are not *attributed*, they are *discovered*.

Moreover, in our articulation of the basic needs, we accounted for the role of the social, both in terms of its intrinsic role in responding to the need for autonomy as well as in the definition of freedom where the role of relational power was seen as instrumental in delineating the need for an absence of coercion, compulsion and deception. In Part One, when developing the basic needs, the role of the social was seen as central to any adequate response. Not only was there ample room given to the positioning of the social but we also observed that one of the number of appeals of needs was that in their very nature, unlike with the more explicitly articulated rights discourse, the nature and language of needs accommodates and allows for personal, local and particularised responses. So, whilst the character of the needs as established in Part One is universal (given the parameters set by the human being), the response and amelioration of needs can be local and sensitive to particular ways of doing things. The nature of the basic needs themselves leaves the response open so long as these needs are met, and as noted we can contrast this with the more severely delineated rights discourse.

Indeed whilst this openness is conducive to application at the global level across a wide selection of cultures, it is also conducive in terms of severing the traditional ties with the left and socialist policies. In Chapter 6, we suggested that a fairly comprehensive welfare system would be likely in terms of a socio-economic response to the basic needs, however we also acknowledged that if needs were met without this, then that system would be legitimate according to the Global Principle. The point is that given the open and relatively minimalist character of basic needs as so conceived here, basic needs are a useful tool with which to re-situate the debate on attending to poverty globally. Whilst basic needs will direct the socio-economic institutional responses (up to the point that all the basic needs have been met where possible, and before the non-basic needs of anyone), they will nonetheless leave it open as to how that response should be characterised.

Whilst we have used the needs-framework to highlight some of the issues in terms of meaningful action within IPT, the framework might also be used to lend weight to some of the current discourse on cosmopolitan global governance. For, one of the aims in emphasising a logical underpinning to the argument is to avoid the phenomenon of merely taking western values and applying them universally; as Peter Sutch notes, “we cannot simply universalise western liberal practices”, instead, “we must construct a universally accessible account of international justice” (Sutch 2001, p55). As such, one of the aims here along with using the tool of need to critique cultural relativist arguments and communitarianism, was to give more solid and logical grounding to the cosmopolitan position. That is, lending weight to those cosmopolitan frameworks on constitutional reform that have yet to provide concrete and logical reasoning for why we should be concerned with the global realm in the first place (e.g. Held 2004; Archibugi 2008). So, as noted in our reflections at the end of Part Three, although the recommendations are not revolutionary in terms of a complete overhaul of the system, what they should have managed, is to have given objective backing to global justice, as well as making the individual primary and state legitimacy, defined in terms of that individual, contingent upon the enablement of meeting needs. And this can be taken within the context of the cosmopolitan democracy discourse currently somewhat light on normative grounding. We might note however a distinct difference between cosmopolitan democracy theories and ours: whilst these theories tend to emphasise values arising from consensus as an inherently good thing, giving rise to their promotion of consensus through democracy (Held 2004, Archibugi 2008) and or human rights (e.g. Donnelly 2003; Beitz 2009) at the Global level, the promotion of democracy and political rights in this thesis has not come from a desire for consensus. As noted explicitly in the last chapter, in its objectivity the Global Principle does not depend upon agreement for its validity and the recommendation of national democracy and political rights and liberties is to increase the likelihood of meeting the basic needs and to maintain the state as a transparent vessel through which the individual can be maintained as the agent of responsibility at the international level.

In terms of the practical consequences, of course the aim in enabling the meeting of needs will be, along with increasing freedom, to alleviate poverty and to transform the current situation in which so many cannot currently meet their basic needs. The set-up of the argument here

has been centred not on the inherent abhorrence of seeing so many not having reached a basic standard; instead, the argument has turned upon the logical demands of normative theorising with reference to human finitude. This is not to say that there is not something inherently or intuitively disturbing about seeing so many people so poor, but it is not this disturbing nature that gives rise to the normative obligation to do something about it. Some will argue that this is an unconvincing or even perverse way of talking about and tackling poverty (e.g. Campbell 2007). It might be pointed out that in its concern with the meeting of needs, the thesis has dealt, fundamentally, with the issue of poverty whilst concurrently rarely mentioning poverty as problematic by its very nature, specifically in terms of suffering. In other words, as Tom Campbell observes, it might be thought dubious to identifying the problem with poverty as located in the notion of inaction, that is, an absence of moral autonomy and freedom; he says: “the loss of the opportunity to act morally is an important but secondary matter compared with the suffering involved in extreme poverty” (Campbell 2007, p64). He argues that in emphasising the causal preconditions for human action as the central notion with which to be concerned, we detract “attention from the independent fact of the horrible experiences that it involves and this has the effect of lessening the urgency of the moral demand for alleviating poverty” (ibid., p64-5).

However, grounding obligations in terms of harm or suffering tends to be problematic; not only would basing obligations in something like suffering or harm give rise to a much broader framework where non-human animals would have to be incorporated (e.g. see Singer 1993, chp3) but crucially harm or suffering in themselves do not give rise to any reason for being concerned with them. So whilst Campbell may be correct that a neo-Kantian universalizable principle of justice based on the idea of autonomy and freedom may not be the most obvious means through which to look at the problems with poverty, it is nonetheless the most logic-based and thus universal, and in so being a more productive tool with which to then motivate change. For, what has to be remembered of course is the importance of recognising the barriers of cultural and community differences and the obvious difference in emphasis various societies put on the issue of poverty. As such, the universal application of logic (rather than statements about how hideous poverty is) is the only conceptually adequate way forward in any attempt to demonstrate the universalizability of cosmopolitan concerns with global justice.

Indeed, one might point out that in fact, the two positions are not as far apart as Campbell makes them out to be, for it could be argued that part of a concern with poverty in terms of its “horrible experiences” and urgency is the experience the individuals who have no control over their actions undergo; the feeling of falling victim to the inevitabilities of the body, of the helplessness against the finitude set by nature, without the resources required to meet their basic needs. Thus, it might be contended that what the logic of our argument here expresses, is reflected by many people’s intuitions about the problems with poverty. That is, the cruelty of seeing all those indifferent to, and unmoved by, so many unmet basic needs leaving so many powerless to the dictates of nature. Bertrand Russell sets the challenge for the moral objectivists when he says: "I cannot see how to refute the arguments for the subjectivity of ethical values, but I find myself incapable of believing that all that is wrong with wanton cruelty is that I don't like it" (Russell 1960, pp146-7). This seems to articulate so perfectly the dilemma for so many universalists, so many cosmopolitans. That is, the feeling that there must be something *morally wrong* about cruelty – or starvation, severe disease or injury, lack of freedom in our case – something correctable in terms of moral obligation, but determining it on grounds other than deep suspicion tends to be challenging. Russell’s statement came as a consequence of him being convinced by Moore’s (1956) refutation of naturalism. Now, we looked at the naturalistic fallacy in Chapter 3 and whilst we accepted that whilst one may not be able to derive an ought from an is in absolute terms, when using the notion of ought, as meaning a factual necessity it is possible to derive a universal and primary principle of morality – in terms of basic needs. So yes, Russell may well be right that no universal principle can be determined non-instrumentally, but here we have tried to show that there is one universal principle if one is interested in articulating or applying any moral theory at all; that is, in order for there to be moral action in the first place, basic needs as we have determined them, must be met.

Indeed, part of what makes the relationship that has been observed between basic needs and normative action interesting, is that it *articulates both the factual and the normative*, the ‘is’ and the ‘ought’. This does not mean that the concept of ‘need’ itself bridges the fact /value divide, rather it highlights the central idea of recognising what some facts about humans result

in if we are interested in applying the *ought* to them in the first place. In other words, a core undercurrent to the argument of the thesis, one mentioned periodically throughout, is that *ought implies can*. That is, where we apply normative principles we necessarily assume that there is a capacity – or at least potential capacity – to carry out that application. In terms of the thesis: in order for an ‘ought’ to apply, basic needs have to be met first. The *ought implies can* precept was likewise observed when the concept of obligation was noted as apposite in expressing the need-based principle; it was suggested that the concept of obligation has embodied within it the notion of capacity, where an obligation only applies in circumstances where those obliged have the capacity to act upon it. What was shown as crucial was a recognition of the demands made by any application of the ought in the first place, and the purpose was to investigate what those demands, described as basic needs, entailed. This recognition of a core condition of morality was combined with an understanding of the reality of human finitude. Human finitude that is expressed both in terms of the human’s inability to act without her inescapable bodily limitations alleviated, as well as in terms of the meaning of *expectation* in morality of those we ascribe obligations to and those we hold responsible for their actions.

Overall then, the central aim of the thesis was to identify and acknowledge the limitations of the human being and the necessity of some external provisions to enable the being to become a person held responsible for her action. We sought to highlight what moral theory both assumes and reinforces about human action but also to articulate the core values of autonomy and freedom: that is, the dignity to own and direct one’s actions and be held responsible for those actions. Thus, only once the vulnerability of the human being – dictated by the forces of nature and articulated by the basic needs – is recognised in the normative theory of the international, will its demands of her as an actor be truly meaningful. The starkness of the vulnerability of the needing human this thesis sought to reveal takes us back to where the thesis began: Albert Camus’s notion of the absurd being born from the confrontation between human need and the unreasonable silence of the world. In sum, the aim of this thesis was to recognise, understand and articulate the nature and urgency of human need within the context of moral action and to provide a framework of justice by way of response to this, in the hope of motivating the world to listen, and then perhaps, to speak out...

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What they undertook to do
They brought to pass;
All things hang like a drop of dew
Upon a blade of grass.

“Gratitude to the Unknown Instructors” – William Butler Yeats.

“Beggar that I am, I am even poor in thanks” (*Hamlet*, 2.2.272). In writing this thesis, I have owed so much to many, incurring great debts of gratitude; and yet, I have never felt the paucity in my ability to express such gratitude (by way of very small repayment) more keenly. I might begin however, at the start. The idea that I might actually be able to write a thesis started with Professor Chris Brown – it was he who suggested that I stay on at the LSE after my Masters to do a PhD. My advisor at the time, Dr. Kirsten Ainley, answered all of my questions on the possibility, and was thus also instrumental in my decision to embark upon a PhD. Chris and Kirsten then went on to become my supervisors and have been supreme in all aspects of that role since. I am extremely grateful for their input, for their insightful and challenging feedback, for their generosity and for being so remarkably patient in reading words that they, more often than not, disagreed with! Chris and Kirsten have been inspirational not only in their intellectual capacity but in their ability to remain so unfailingly responsive and organised in all aspects of their supervision. I am indebted to Chris in particular for letting me teach on his *Sovereignty Rights and Justice* course for two years and trusting me enough to let me give a lecture in each of those years, for giving me work on his fine book, *Practical Judgment in International Political Theory*, and for suggesting me as a possible panellist at my first *International Studies Association* (ISA) conference. To Kirsten, I am particularly grateful for her suggesting twice that I present in the International Theory workshop (being there to hold my hand both times whilst intermittently throwing intimidating questions at me!) and for very kindly suggesting me as a reviewer on an International Ethics book. I could not have asked for a more generous, thoughtful, insightful, responsive and tolerant pair of supervisors and will always be indebted to them for that. I hope what I have produced over the past four years does them a small credit.

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