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ON THE RELATIONSHIP BETWEEN HUMAN RIGHTS AND HUMAN NEEDS *

Johan Galtung and Anders Wirak,
Chair in Peace and Conflict Research, University of Oslo
GPID Project, United Nations University

1. Introduction: on the general relation between rights and needs

Given the very rapidly growing interest in the theory and practice of human needs the question arises: What is the relation between human needs and human rights? Should human rights be seen as a special type of human needs, particularly related to the vast and problematic field of "freedom"[1], or should they be seen as being two different kinds of things? The latter is the position that will be taken here, and the argument is as follows.

Whereas human needs are seen as something located inside individual human beings, human rights are seen as something located *between* them. A human need is something rooted in individuals, and we would add: in single individuals.[2] It is the individual who feels a need the satisfier of which is, e.g., food; the individual, consequently, is the need-subject. If we accept that individuals are the only subjects that are capable of having a consciousness, then human needs are individual needs, although they certainly may, and usually do, require social arrangements for their satisfaction. In fact, their satisfaction has similarities with political processes in general: There must be some *consciousness*[3] of the need in the individual; this consciousness must become social and lead to some form of organization through *mobilization*; there is often some kind of *confrontation*; a real *struggle* to have the need satisfied may follow; and finally some form of *transcendence* with the need satisfied individually and its sustained satisfaction more or less guaranteed/institutionalized socially.

One may argue as to the classification of needs[4], but in the following this division of needs into four groups will be used:

Table 1. A typology of classes of needs

	Actor-dependent	Structure-dependent
material	SECURITY (violence)	WELFARE (misery)
non-material	FREEDOM (repression)	IDENTITY (alienation)

The distinction material/non-material can be interpreted two ways: as relating to the old body/mind distinction or somatic versus mental (material versus spiritual) needs; *or* as a question of whether the satisfaction of the needs requires material components or not. Thus, for such basic material welfare needs as food, clothing, shelter, medical treatment and schooling, something material is needed, meaning that there is an economics of need satisfaction. For a freedom need like the need to move, or to express oneself or an identity need like the need for a sense of meaning with life it is doubtful whether in general one would say that anything material is needed at all. Admittedly the borderline is not a sharp one, nor does it have to be - more or less one arrives at the same result whether it is the need-subject or the need-object that is taken as a point of departure for making this distinction.

The distinction between actor-dependent and structure-dependent needs is important in the following: In the first case something has to be done about other actors whose deliberate acts impede the need-satisfaction of others, in the second case something has to be done about structures that are made in such a way that needs are not satisfied[5/] The human rights tradition is probably, in general, best when it comes to the first category.

Turning now to human rights: They are conceived of here as *norms*. A norm has a norm-sender (S) and a norm-receiver (R); S expects R to do (not to do) certain things. In other words: S has an image of actions open to R in certain situations - R's *action-space* - and sub-divides this space for him into regions of actions that, all the time according to S, are prescribed, indifferent, or proscribed. R may not agree about this sub-

division, and may not even agree that S has any valid right to define obligations for R at all - but we leave such problems aside for the moment.[6]

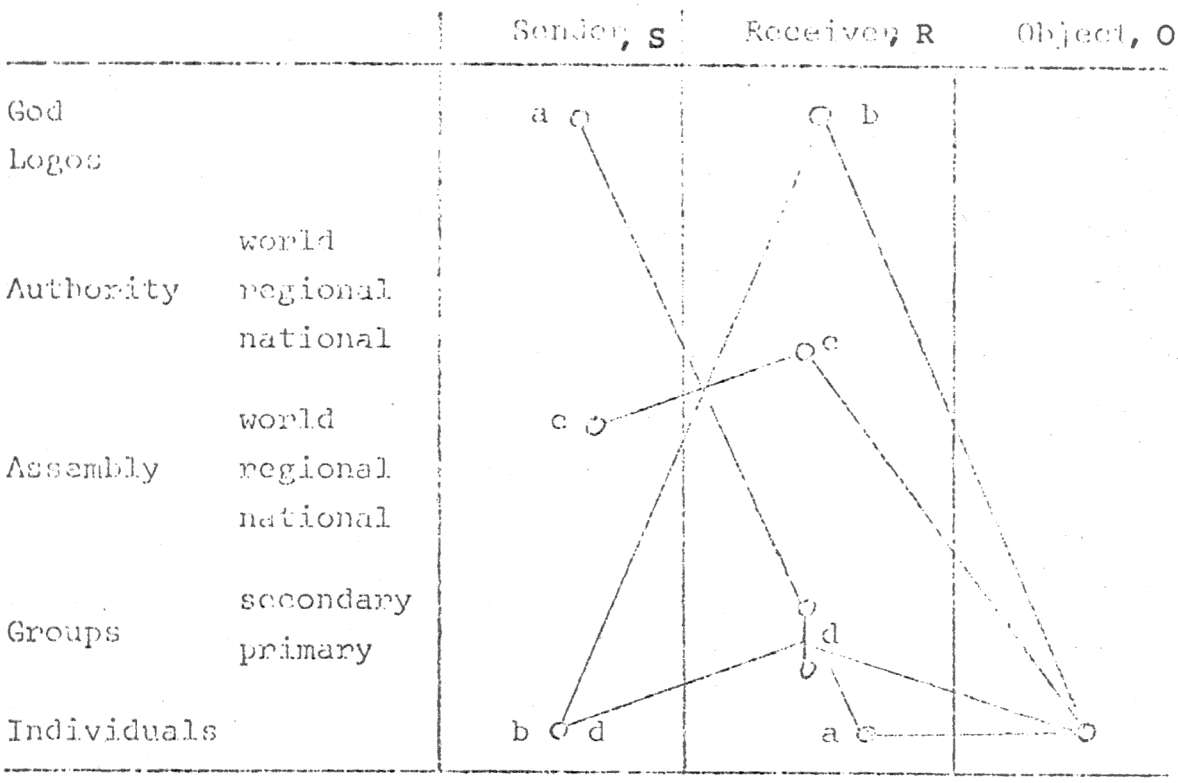
The formula so far presented is too general: it applies to norms in general. What we are concerned with would be norms that regulate actions by the norm-receiver relative to other human beings in general, and their need-satisfaction in particular. We shall refer to these people whom the norm is actually about as the norm-objects (O); they are, in other words, the need-subjects.

Thus, a human right has the following structure: S expects R to do/not to do something relative to O in general, and relative to the level of need-satisfaction of O in particular. This means that O has a *claim* on R, on something R should do, acts of commission, and/or something R should not do (acts of omission) Thus, O may expect R to provide employment and to abstain from torture. Further, since the expectations come from S, S may keep an account of how R is measuring up to these expecations; meaning that R may be *accountable* to S. Altogether this S, R, O-triple may be seen as the three corners in a social field constituting the expectations referred to as human rights, showing up as a *right* that may be claimed for O, as a *duty*, an obligation to live up to for R, and as an *expectation* from S. It should only be added, however, that any such triple exists in a social context (C); there are spectators and listeners, watching and observing what is going on - the triple is never or only under very extreme circumstances operating in a perfect social vacuum. O can appeal to C when S, and R, fail, for instance.

The question now becomes who are hiding behind these capital letters, and the possibilities are numerous. Some of these possibilities are indicated in Table 2; eleven to be precise.

The eleven possibilities are listed here from individuals at the bottom to God at the top, via lower levels of social organization in what sociologists refer to as primary groups (kinship and friendship) and secondary groups (extended families, work organizations, schools, communities) and higher levels of social organizations in structures characterized by assemblies (with varying geographical domain from national via regional to

Table 2 *The Sender-Receiver-Object triple*



the whole world) and/or executive authorities - to such notions as logos (reason, what is given as naturally obvious) and God, in various images.

In the Table four different types of rights triples are indicated, as examples. They all have one thing in common: all norm objects are individuals since these are seen as the only need-subjects.

In (a) God is the sender, individual human beings are the receivers and there are norms such as those expressed in the parable of the merciful Samaritan about the satisfaction of certain needs of other individuals. If R and O live in the same norm community and are both conscious of this, O may be said to have a certain claim on R, and R, in turn, is accountable to S.

In (b), exemplified by prayer, individuals express expectations to God, e.g. that He shall alleviate the distress and misery of certain designated individuals. In this "model", according to for instance Christian conceptions of God, neither claims nor accountability are well established as the ways of God are held to be unscrutinable.

These two examples serve as a sacred background for the secular combinations (c) and (d), the former being modelled after the Universal Declaration of Human Rights, the latter closer to much more commonly found norms all over the world. In (c) there is a *world assembly*, e.g. the General Assembly of the United Nations which on December 10, 1948 adopted and proclaimed that particular set of norms, which, essentially, have as their receivers *national authorities* (governments). The norm objects are individuals - usually referred to as "everyone" in the text.

In (d) the senders are seen as individuals and the receivers are all the groups of which the individual is a member or is in touch - and the expectation is that these groups will take care of him or her, or of others for that matter. Going back to the case of (c) it does not have to be the world assembly - it could just as well be regional or indeed a national assembly that makes laws that also are binding on national authorities that act as senders. Similarly, case (d) opens for other sender possibilities: the groups themselves, articulated in some kind of informal or formal meeting, or national assemblies/authorities that might expect, formally or informally, secondary and primary groups to take care of certain types of need satisfaction. Much of this would be by tradition; that does not reduce the normative character.7/

Many other combinations are possible, there is no need to spell them out to arrive at some more general conclusions. And those conclusions can be arrived at by asking one not very profound but very important question: Whom would we like to see as senders, receivers and objects respectively? As to the objects the answer has already been given: individuals - that is an almost consistent bias of the present analysis.8/ But what about senders and receivers?

There is in this phase of human history, probably inspired by Western concepts of universalism, a tendency to favor world assemblies and that tendency will be maintained to start with, with one important additional remark: The world assemblies should be representative of peoples, not only of governments. Moreover, one should think in terms of at least two more or less parallel channels through which expectations are sent, one at this universal level, and another more rooted in group levels all over the world. The ultimate conscience is the individual conscience,

all the rest is abstraction - and the question of attuning assemblies of any kind to the contradictory and controversial expectations by billions of individuals will always be with us. As a problem it is unsolvable in an absolute sense, but not in the relative sense that there cannot be better or worse articulations at the world level of individual consciousness and conscience.

As to receivers: Again there are two models implicit in Table 2, if we disregard the theocratic models; one anchored in national (or regional, or world) authority, the other one anchored in lower levels of social organization. Broadly speaking they may be said to correspond to what elsewhere has been referred to alpha-structures and beta-structures respectively[9], the former being huge, usually highly vertical and fragmented structures, the latter being small structures, tighter, not necessarily quite horizontal, but in a sense more human.

What this amounts to is actually a distinction between a "higher channel" and a "lower channel" of human rights - one that relates assemblies to authorities, and another relating groups/individuals to groups - as the two major channels for satisfying human needs through human rights. We might refer to them as the alpha channel and beta channel respectively, and from this an important point follows: the more one level is designated as the receiver of human rights expecations, the more importance is attributed to that level. To send an expecation, the receivers of which are national governments, is to attribute much significance to national governments. The expectations might look like constraints on the action-space open to governments, and they are. But governments might also invite such constraints because of the implicit assumption that they will be the institutions responsible for implementing the expecations, thereby strengthening monopoly positions of governments. In other terms: the more the alpha channel is used, the stronger the alpha structure. We see in this a clearly competitive relationship: everybody might agree that *somebody* should be responsible for the provision of food for *everyone*, but it makes very much difference whether this somebody is ultimately the national government, the local commune/community, or a combination of the two levels.

So far only one aspect of rights as norms has been explored: the S, R, O-triple. From this point on one can now, following general norm theory, proceed in many directions in an effort to answer the question: what are the minimum conditions a norm has to satisfy in order for it to constitute a right?

One very tentative list of such conditions, following the general logic of legal paradigms[10], might look as follows:

(1) *A process of norm production.* In this process it is not enough to proclaim principles like "the right to food", or "the right to be loved". These are exhortations, not directives structuring concrete action-spaces. A certain element of explicitness and specificity are among the necessary conditions for norms to become rights whereby O has a claim on R, who in turn is accountable to S. Thus, a directive not to use fertile soil for other purposes than growing foodstuffs for local consumption (e.g. not for cash crops, not for housing and urbanization in general, not for roads and airports, etc.) would be an example of a norm inside a package of norms, more or less deductively organized, on which could be written "the right to food". As an example of a beta channel norm could be given the adage "if you have thoughts of love, do not be stingy with words of love" - a possible norm inside a package of informal norms on which could be written "the right to be loved".

(2) *Confirmation of norms.* There has to be some kind of stamp of approval or acceptance on the norms, in the first run by the norm-senders as an expression that the work done conforms with the intentions, and possibly also by the norm-receivers as an expression that the norms have been received and understood as valid norms if not necessarily agreed to; and above all by the norm-objects as an expression of acceptance of the norms as instrumental to the satisfaction of their needs - if implemented. This type of consensus across the triple can often be obtained as long as one sticks to the level of exhortations (who is against the rights to food or to be loved?) - the moment specific action directives held to be instrumental to the implementation of such principles are made explicit, consensus will decrease. The reason for this is not simply that only reasonably specific norms can have an impact on the choice of concrete actions; it is also that the relationship between general principles and

specific norms is a problematic one - as the examples above may serve to indicate. Such specifications are hardly ever necessary and sufficient conditions for the principles to be implemented; usually they are neither necessary nor sufficient, but may have a relation of high probability with the principles, given favorable conditions.

(3) *Application of norms.* The norms have to be applied, as they constitute a set of yardsticks defining the good society. Human rights can be seen as norms of the good society. If such norms are lying dormant as a blueprint for a utopia only, they will suffer from atrophy from not being used. It is in their application and continuous testing that they become a part of the social process. As applied to concrete acts they can lead to one out of three conclusions: that the action was in conformity with the norm, was indifferent relative to the norm, and that it was an infraction, not in conformity with the norm. It should be noted that for a norm to be applied it is not necessary that stage (2) above has been attained. A draft law or draft treaty does not have to be ratified by the appropriate body to be applied. The social context may come in as substitute sender if the local receiver (e.g. the local national assembly) has not yet ratified or refuses to ratify the norm; ie., has refused to receive it.

(4) *Reaction to application.* A typical aspect of the legal paradigm is that there is reaction only in case of <u>infraction</u> of a legal norm. The public machinery is usually much richer in punishment than in rewards. As there is much evidence indicating that positive sanctions may sometimes be much more effective than negative sanctions this should not be permitted to become an unquestioned aspect of the human rights approach. What matters is that there is a system of sanctions, and sanctions can usually be divided into negative and positive, and personal and social. The <u>personal</u> sanctions, located inside the actor (R) will take the form of what in Christian parlance is referred to as bad vs. good conscience - as aspects, or manifestations of an internalization process. The <u>social</u> sanctions are referred to, usually, as punishment and rewards - as manifestations of an institutionalization process. The more all four of these forms of sanctions are present, the more could one say that the norm has become deeply rooted in society.

(5) *A machinery for adjudication.* It is customary to use this term to refer to infractions of the norms only, and according to this practice the adjudication would probably contain such elements as verification of the alleged infraction, conviction which usually is in dichotomous guilty/not guilty terms, and a sentence if the actor is found guilty. Needless to say, the same formula could be used, substituting the terms worthy/not worthy for guilty/not guilty above if a more positive approach is taken. In either case there has to be a detection/reporting machinery.

(6) *Administration of sanctions.* If R is accountable to S, S will also have something to do with the administration of sanctions - not necessarily executing them, but in the sense of having power over them. If these sanctions are negative, i.e. inflicting some kind of harm on R for having infracted human rights norms, this becomes a question of whether S has sufficient power to punish. A world assembly has limited power over national authorities, especially if the latter are big powers, even superpowers. A national assembly together with national authority have considerable power over R if R is a primary or secondary group; after all, it is in the idea of a state that it should possess power over at least most power relations at internal lower levels of organization. Again we come to the same problem: In the choice of S, R, O-triple there is an implicit choice of social formation. If S is higher than R, S can probably control R more through negative sanctions, but the result is the strengthening of the general control machinery of higher levels of social organization. If R is higher than S, there is less opportunity to build excessive control machineries, but R is likely to convert its important role in implementing norms relating to needs to a virtual monopoly on important sectors of social activity. It may also be argued that R and S should be more at the same level in order to have a dialogue, where one cannot outpower the other through control power or executive power - an argument that would favor horizontal or nearly horizontal lines in Table 2 (with higher level lines representing alpha channels, and lower level lines representing beta channels).

(7) *Consonance approach.* The goal of the administration of sanctions, in the pure legal paradigm, would be to have the actors act in conformity with the norms. There are the well

known theories of individual and general prevention, directed towards the actor who has already infracted, and others who might do so because they are in or might come into the same position, respectively. To this should then be added a more realistic view: that some infractions are not seen as inadequacies in the actor, but as inadequacies in the norms. In this the epistemology of empirical science is clearly visible: the map rather than the terrain should be changed in case of discrepancy[11] between the two. Very important in this process would be the voices of O - who, as mentioned, should be strongly represented both in R and S from the very beginning.

(8) *Validation of the entire process.* As this is an ongoing, ever continuing process there is some need for some kind of authority that can validate the process as such. The supreme court and the international court play such roles; so does "history"

It may be objected to this list of criteria of "rootedness", of to what extent a need has "jelled" into a right that it is too centered on the S, R relation. The first two points deal with the sending of norms, and the next six in one way or the other with the problem of making R accountable to S. What has happened to O? Let us only repeat that O has to be present everywhere in this process, cooperate with S in the sending of the norms and with R in their implementation - and since O is the one who knows best when and where the shoe pinches O should be in a position to report to S about R. The moment R controls a detection machinery (i.e. the police), runs S with other R and in a position to mute O through policies of repression, the human rights situation, is, as we know, precarious.

However, as hinted at above, there is also another way in which the human rights situation may become precarious: by excessive use of the alpha channel in defining S, R, O triples. The human rights approach, as commonly identified, to the implementation of human needs is institutional rather than structural. It is based on the "freedom from fear" approach of protecting citizens against types of insecurity to human beings arising from the exercise of power within and between countries (states)[12], later on adding "freedom from want" (called "misery" in

Table 1). Then there is the "freedom to" approach of guaranteeing choices - e.g. in the important fields of expression and impression, of movement and association to and from and with other people, and so on. As commonly conceived of the human rights approach is a social contract approach, the contract being between the citizens and the state. And this is where the doubleness of the state enters the picture, clearly seen with a little use of Table 1.

Thus, as is well known the state can build institutions referred to as the military and the police, to guard against external and internal sources of insecurity to the citizens. But these two institutions may, in turn, themselves become major sources of insecurity - when used for aggressive purposes without, and repressive purposes within.

Further, the state, in the form of the modern welfare state, may use power, bordering on monopoly power, to control the use of the economic surplus, to satisfy the basic material needs of its population; but may also use this power for other purposes, for instance through "primary accumulation" to make use of the surplus for elite consumption and privileges, or for export in order to import - for instance - means of aggression and repression for the military and the police.

Further, the state can serve as a guarantor of freedom, partly in a positive sense by enlarging the range of choices effectively available to the citizens in many fields of life, partly in the negative sense of exercising power over those at lower levels of social organization who use their power to limit the options of those still lower down (e.g. parents who force one particular spouse on their children instead of leaving the range of options open). But it is also very well known that the state may do exactly the opposite: limit the range of alternatives, e.g. in the fields of what to say and write, and what to hear and read, partly through centralized action, partly by supporting those types of authority lower down that themselves limit the range of options. And the road towards repression, here not in the sense of violence against citizens through torture, wanton killings by the state of its own citizens, etc., but in the sense of limited freedom, does not necesarily pass through such machineries as the police and the military, wrongly applied.

Options can also be dramatically curtailed in the most "democratic" country where the state arrives at its decisions through a long process of attentive listening to all alternative suggestions, ultimately ending up in a compromise among contending factions, favoring none of them, but perhaps also satisfying none of them.[13] We are thinking here of the road to repression that passes through singularism as opposed to pluralism, often in an unquestioning manner favoring one structural answer to each functional problem instead of a multiplicity of answers, for instance practiced in several parts of the country, thereby leaving the range of options open. The point is simply that there are authoritarian and democratic ways of limiting the range of options. Repression as here conceived is not the monopoly of authoritarian regimes but presupposes a high level of centralized power, an alpha structure, in either case.[14]

Finally, the state can offer identity to its citizens through membership, by being part of a *corpus mysticum*, the *ethos* of which may be referred to as nationalism. The state can provide macro-identity, but can also serve to erode micro-identity. The latter can partly be done by instituting a terror regime whereby the alpha structure penetrates into all small beta units with its detection machinery, with informers planted in all families, at school, at work, in each community; partly by organizing work for the satisfaction of basic material needs in such a way that most people become clients carrying out routine jobs, having their needs satisfied very much like animals in a zoological garden,[15] and partly by having others define action-spaces, both their content and their extension, rather than being able to work out action-spaces for oneself, through processes of struggle with the natural and man-made environment. In doing so major sources of identity are eroded. Society becomes huge and distant and opaque; closeness and transparence as conditions for identity with society recede into the background. The organization of work is structured in such a way that major decisions are taken centrally, only routine implementations are left to people in general, in a standardized manner, thereby alienating people from their work products. With this relation deteriorating the relationship of human beings to themselves and to others will probably also be more marked by alienation, thereby eroding other sources of identity. Much of this would stem from the use of the

state to provide welfare, satisfying basic material needs, without taking into consideration that it is not only *that* these needs are satisfied but also *how* they are satsified that matters.[16]

In short: the problem is not solved by making the state the recipient of a high number of norms the implementation of which would lead to a high level of satisfaction of some basic needs, adding to this adequate institutionalization through the various mechanisms discussed above. There is a cruel dialectic here: the more this machinery grows the more may it defeat its own purpose, not only through abuses when the machinery falls in the wrong hands, but through the very use, in a correct manner, of the machinery itself. More precisely: one may, like in the modern welfare state, gain in security, in welfare and in freedom while at the same time loosing in identity - buying the first three at the expense of alienation. The formal, institutionalized human rights approach is one approach to the satisfaction of human needs, by constituting institutionalized guarantees, but these institutions, may in turn, be a source of institutionalized non-satisfaction, often of the more non-material needs.

And that points to the alternative human rights approach making use of the beta channel mentioned above, an approach often referred to as informal, or as structural. An important dimension here is indicated in the word-pair distance vs. closeness. The institutional approach is distant, the structural approach would be more based on closeness, on making the small (beta-) units surrounding the individuals major sources of need satisfaction, reducing the significance of the higher levels of social organization, such as the national, regional, and global levels. For convenience these lower levels may be referred to as "local", and the attention then turns in the direction of patterns of local self-reliance.[17] This is not the place to spell it out, only to argue the obvious, that smaller units may be much better at providing identity or at least major forms of identity; and - if they have adequate control over the factors of production - also of providing for the satisfaction of basic material needs. The weakness is usually that such units are vulnerable to evil actors who may expose them to violence and repression, and also use this very fact as a basis for exploitation through the characteristic "bargain" of feudal societies:

"you need protection, I am willing and able to protect you, but I need some compensation, for instance one half of everything you grow!" To this is then usually added the understanding that if the offer is rejected violence and repression will follow immediately; in short, it is an offer difficult to reject.[18] In many senses the modern state is the successor of this aspect of the feudal systems, as has been indirectly argued above.

However, one may conceive of other ways in which the need for security and freedom can be assured, at the same time preserving patterns of local self-reliance as the major sources providing welfare and identity. The general formula in this connection would be federalism, not in the sense of a set of institutions in the center, but as a structural arrangement tying units of local self-reliance together. Again, the point would be an approach whereby the satisfaction of human rights is built into a structure which in turn is based on the aggregate of billions of actions carried out by millions of individuals, rather than, or in addition to, basing it on explicit and specific norms directed at specific, well designated persons, directing them to do something for somebody. Needless to say, this is not a question of an either-or, of a choice between the alpha channel and the beta channel, between the formal and informal, between the institutionalized or the structural approaches - it is a question of both-and. But the basic insight would be that institutionalziation of human rights as a means, although no doubt often productive in satisfying human needs - and that is the end - up to a certain point may later on be counter-productive simply because the institutions with their division of labor, centralization, fragmentation and segmentation will stand in the way.

In general, it may actually be that the human rights approach, as usually conceived of, is at its best in connection with the human needs here referred to as security and freedom. The reason for this would be clearly seen from Table 1: these are needs that are most clearly threatened by deliberate acts of specific actors, whereas the other needs are more often impeded by wrong structures. The borderline is not clear, not does it have to be clear - the point is simply that if the satisfaction of needs depends on the inclinations of a relatively limited

number of specific actors, then norms directed towards these particular actors as recipients are highly meaningful (which is not the same as saying that they are effective). When the structure produces hunger, as the international agro-business structure may be said to do,[19] then it may be less clear who the recipients of the norms should be. They are so many, so dispersed, and above all: the relation between their actions and the non-satisfaction of the need for food is very often indirect and tenuous. Precisely for these reasons there will be no feeling of guilt, no element of bad conscience (which one would assume that the torturer has or at least has had in some phase of his activity) on which to build. Norms, eg., against the use of soil for cash crops, may be experienced as unjust and as "ideological/political". And yet this is no doubt an approach. The right to food may be partl hedged around by a package of such norms, and these norms would then derive their legitimacy from the way they relate to satisfaction of basic human needs, rather than, or in addition to, the usual source of legitimacy: the nature of the norm-sender (God, logos, authorities and assemblies of various levels, the people).

To conclude: it is fruitful to study the needs/rights interface. In the current situation there are needs that may be said to have rights counterparts; there are needs without rights counterparts leading to the idea of an extended concept of human rights; there are rights that do not have needs counterparts leading to the idea of certain cultural and class biases underlying the production of human rights; and there are no doubt items that have not surfaced and become formulated explicitly at all, neither as needs, nor as rights. There are all four possibilities. Moreover, the relationship between known needs and known rights is not a one-one relation: one identifiable need may be satisfied (wholly or partly) through the implementation of several rights; one right may be instrumental to the implementation of several needs - the relationship is not a simple and very neat one. Rather, the rights are the means and the satisfaction of needs is the end and like all other means-end relations the relationship is complicated. To this relationship we now turn.

2. Which rights should be compared with which needs?

In this exercise, a very preliminary and exploratory one, something not too badly defined will be compared with somethin rather poorly defined according to principles that may be even more poorly defined - with the hope that something nevertheless can emerge from the exercise. To start with, which are the human rights? There is the very useful compilation made by the United Nations (New York, 1973) Human Rights, A Compilation of International Instruments of the United Nations which is what we want since our focus is on the UN as a norm-sender. In this book 41 instruments are presented under 14 headings. However, the by far most importan category is found under the first heading, "The International Bill of Human Rights" where three instruments are grouped together:

UD 1. Universal Declaration of Human Rights
ESC 2. International Covenant on Economic, Social and Cultural Rights
CP 3. International Covenant on Civil and Political Rights

(in addition there is the Optional Protocol to the latter).

Since so much of what is found in the other instruments can be seen as specifications of the rights contained in these three the decision was made to use them as a definition, in extension, of "human rights", maybe even in the sense of "basic human rights". The word "basic", then, carries two connotations (at least): basic in the sense that when the right is infracted, then the (negative) consequences (to the victim, not necessarily to the wrong-doer) are basic in terms of deprivation/destruction; and basic in the sense that it can be used axiomatically in a (quasi-) deductive system. In the field of rights the latter connotation is important as deductions are in fact carried out (in the form of subsumptions); it is part of the legal craft. In the field of need the deduction would only serve the purpose of organizing lists of needs; it is hard to see that it would correspond to anything in the real world.

Then, which are the human needs? We shall use a list with no particular methdology behind it (see next page). The list is a specification of the classes of needs given in Table 1 above, so the needs are grouped in the same four classes. The list is the result of much trial and error, confrontations with literature, wit

A List of Basic Human Needs; as working hypothesis

	Satisfiers he to be relevan in some socie ties
SECURITY NEEDS (survival needs) - to avoid violence	
- against individual violence (assault, torture)	POLICE
- against collective violence (wars, internal, external)	MILITARY
WELFARE NEEDS (sufficiency needs) - to avoid misery	
- for nutrition, water, air, sleep	FOOD, WATER, AI
- for movement, excretion	
- for protection against climate, environment	CLOTHES, SHELT
- for protection agains diseases	MEDICAL TREATM
- for protection against excessive strain	LABORSAVING DEVI
- for self-expression, dialogue, education	SCHOOLING
IDENTITY NEEDS (needs for closeness) - to avoid alienation	
- for self-expression, creativity, praxis, work	JOBS
- for self-actuation, for realizing potentials	JOBS + LEISURE
- for well-being, happiness, joy	RECREATION, FAMI
- for being active and subject, not being passive, client, object	RECREATION, FAMI
- for challenge and new experiences	RECREATION
- for affection, love, sex; friends, spuse, offspring	PRIMARY GROUPS
- for roots, belongingness, support, esteem: association with similar humans	SECONDARY GROUP
- for understanding social forces; for social transparence	POLITICAL ACTIVI
- for partnership with nature	NATURAL PARKS
- for a sense of purpose, of meaning with life; closeness to the transcendental, transpersonal	RELIGION, IDEOLOGY
FREEDOM NEEDS (freedom to; choice, options) - to avoid repression	
- choice in receiving and expressing info and opinion	COMMUNICATI
- choice of people and places to visit and be visited	TRANSPORTATI
- choice in consciousness-formation	MEETINGS, MEDI
- choice in mobilization	ORGANIZATION, PAR
- choice in confrontations	ELECTIONS
- choice of occupation	VOCATIONAL SCHOO
- choice of place to live	LABOR MARKET
- choice of spouse	MARRIAGE MARKET
- choice of goods/services	(SUPER-) MARKET
- choice of way of life	?

other researchers, with other people than researchers, etc.[20] There is no illusion that the list does not contain important Western biases. Although there is anassumption to theeffect that at the higher level of abstraction of the needs classes (Table 1) one can talk in terms of a certain universality (each human being needs a certain minimum of security, of welfare, of identity and freedom) the universality disappears as the need formulations become more specific. The list is, as is stated, nothing but a working hypothesis: it is tested by being used in terms of criteria of fruitfulness. What one should expect from such a list is that it can be used to identify problems already known to be important, and - if it serves well enough in that respect - to guide us further into an understanding of problems that may become important only that they have not yet crystallized sufficiently.

Then, how should one proceed in carrying out the comparisons? From the preceding section comes the idea of trying to identify four classes:

Table 4. Rights and needs: the four possibilities

	Rights +	Rights -
Needs +	Needs with rights counterpart	Needs without rights counterpart
Needs -	Rights without need counterpart	Neither needs, nor rights

It should be pointed out that what we are comparing is, of course, neither needs nor rights but formulations of either. Hence, what we are doing is essentially to look for identi cal or synonymous or, more broadly put, equivalent, formulations. The equivalence is not entirely semantic, though. Take as an example (UD:3) "everyone has the right to life, liberty and security of person", and compare it with "security needs against individual violence and against collective violence, giving as examples assaults, torture, wars internal and external". Obviously the two formulations are touchingsomething of the same, and not only because they have the word "security" in common. But they are not quite the same: there is the word "liberty" in the rights formulation and some specifications in the needs formulation. This would lead us to look on the needs list for something corresponding to liberty and at the rights list for something corresponding to these specifications, thus clarifying the borderlines. And in this process it is actually more easy to identify dissimilarities than similarities; the latter are more open to doubts. Consequently, we shall start from the dissimilarity corners of Table 4.

3. Need formulations to which there are no corresponding rights formulation

With all the limitations of the method we are making use of let us try to compare the two lists at least with the view of arriving at some very tentative conclusions. It is difficult because both lists are open to interpretations, and, as mentioned the needs are formulated in a rather general manner, whereas rights are subdivided into many factors. Thus, what is usually the case is that several rights formulations might be relevant for one need formulation (the mapping is one-many), but even when all these right formulations are juxtaposed they do not quite add up to the need formulation which is richer in connotations.

Let us then proceed class by class on the list of need formulations.

As to security: there is the "right to life, liberty and security of persons" (UD:3) and the "cruel, inhuman or degrading treatment or punishment" (UD:5), the first one being very broad and certainly corresponding to the need formulation, the second one being a very important specification. However, what about a right in connection with traffic accidents? What would be the impact on governmental policies of a right not to die as the victim of man-generated accidents, and in this case not only if the traffic but also work (to some extent covered by ILO conventions) were given a certain prominence? What effect would it have on allocation of ground to motor highways opposite to playgrounds, for instance?

As to collective security against attack, war: there is the Convention on the prevention and punishment of the crime of genocide. Genocide is defined as activity "with intent to destroy, in whole or in part, a national, ethnical, racial or religious group /by/ killing members of the group, causing seriously bodily or mental harm to them, inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intending to prevent births within the groups and forcibly transferring children of the group to another group." One difficulty here is that the need for security is an individually experienced need; it does not discriminate between various types of intentions by the attackers. From a need point of view it is irrelevant whether the aggressor intend to eliminate just me or

me as a part of a larger group; but if the vision is expanded to include the need for identity with that group it becomes relevant. Hence, the genocide convention might be a good case of the rights package that corresponds to a complex combination of needs for security and identity. It should, however, not be identified with a convention outlawing wars and has the built-in danger that it might legitimize wars that fall short of eliminating substantial portions of groups, or do so without"intent".

As to welfare: whereas food is covered, air and water cannot be seen to be adequately covered; possibly because this was not on the agenda for those who drafted it. The same might be said in connection with the need for sleep: it is not enough to see it as partly covered by the right to rest and leisure (UD:24); sleep is a very special type of rest and there are several conditions that have to be satisfied for sleep to take place, some of them incompatible with noise pollution and working patterns in modern industrial societies, for instance shift work.

Interestingly, the need for excretion cannot be seen to be covered: possibly because it may be seen as sufficiently well met not to constitute a problem in any society. But the point about need formulation in this context is not necessarily that all needs should be translated into rights, but that they are seen as a list of potential rights; if situations should arise whereby need satisfaction can no longer be assumed to be in any sense automatically guaranteed. The foreigner in a city without toilets will know what this means; what would be the social transformations probable, not only possible, under which a sufficient number of people would be under such conditions so as to make this basic need deserve a rights formulation counterpart? 21/

What about the need for some kind of protection against excessive strain , against the type of work that can be said to be excessively dirty, heavy, degrading and boring? In this particular basic rights instrument it cannot be seen that such needs are well covered, and even to the extent that they would be covered by ILO conventions 22/ the point could be made that the need is so important that it should be given adequate reflection in more basic instruments. And the same applies to needs for education in the sense indicated

in the list: as self-expression, as dialogue; not only as the need to be taught the idiom and the culture, and some basic tools for surviving in the society in which the individual has been born. Of course, there is much about education (ESC:13), recognizing the right of everyone to education. The formulations are also very good: "Education should be directed to the full development of the human personality in the sense of its dignity, and should strenghthen the respect for human rights and fundamental freedoms." What is missing, however, is the dialogical aspect, education of self and education together with others, the autonomy of education, the possibility of self-development; in a sense the instrument is too institutional.[22]

As to freedom: whereas freedom of expression is extremely well (UD:19) covered in the classical human rights, freedom of impression is not given an equally explicit attention.[23] It may be argued that if there is freedom of expression then there will also be freedom of impression--if people are free to express what is on their mind then that freedom would include the freedom to be impressed with what others express (obviously, the freedom to express whatever one wants inside the prison cell with nobody listening is not the freedom of expression intended in the UD). However, the matter is not quite that simple: there might be freedom of expression and yet everybody might be expressing the same thing, and this is where the freedom of impression would go one step further and ask for a richer environment of impressions. There is, possibly, a parallel to this under "freedom of movement" (UD:13): on the one hand it would imply one's own freedom to visit whatever and whomever one wanted to visit; but it is not so obvious that it implies the freedom to be visited by whomever one wants, it must somehow be assured that they are included in the freedom to visit somewhere else. If everybody enjoys this freedom then the freedom to be visited by whomever should be implied; "movement" implies more than "expression" and "hold opinion".

The clearer political freedoms of consciousness formation, of mobilization and confrontation are to a large extent covered by freedoms of assembly and association (UD:20,1-2) and trade union formation (23,4) The difficulty, however, would perhaps be that these rights steer the political process too much in the direction of western institutionalization. If there is a need in this connec-

tion it is a need for power, andmore particularly for the power to change the system in such a way that it serves the satisfaction of other needs better.[24] In order to do that, consciousness about how the system functions, concerted action and confrontation to change it seem to be if not sufficient at least necessary ingredients. But these are general formulations that could be compared to the logic of election: consciousness may be raised but may also be distorted because the political parties competing for attention may be too similar, or may dominate the consciousness formation market in such a way as to emphasize the less important and de-emphasize the more important issues; parties are ways of mobilizing and organizing people, but may also be ways of disciplining and demobilizing them; elections are ways of expressing power, but they are individualistic and might also stop a more organic process of decision forming through a too clear-cut distinction in society between a winning majority (or plurality) and a losing minority. In all probability it may be correct to say that humankind has so far not come very far in insight in what the political process actually implies, nor in how particular ways of institutionalizing that process in fact may be counterproductive.[25] Thus, CPR:25(b) may be too specific.

Such other freedoms as the choice of spouse, place to live and occupation are well covered (see UD:16,2; 13 and 23:1). But one that is not very well covered and seems to be rather important would be the freedom to experiment in alternative societies, the freedom to have a richer choice in way of life. In the most general terms one might say that the way of life is the pattern of distributing activities (such as work, leisure, eating, sleeping, etc.) in space, in time, and in social context--it is a question of what is done where and when with whom.[26] All known societies can probably said to limit this freedom, to regiment and discipline the distribution of activities at least to some extent. The question is whether this is not a rather serious limitation at least when it goes so far as to give more or less the same working hours to everybody, the same meal hours etc. What would be the range of options that would give a richer variety of options to the citizens of a society? And what would be the impact on societies if the right to experiment with alternative societies were better insti-

tutionalized? One might venture to guess that the implications would be rather important, that a society rich in experience derived from experiments is much better positioned to straddle crises than a society which contains no such experiments, which only replicates itself from one day to the other, and one point in space to the other, and for that reason has no alternative to draw upon in case it is badly hit by natural and social catastrophe.

As to identity: this is perhaps the general needs area where there is most discrepancy between needs formulations and rights formulations. Expressed differently: whereas the needs language is relatively rich the rights language seems to be poor -- but it is not only a question of semantics. There is no doubt that large areas of needs are uncovered by rights, whatever the consequence or thecause might be.

Thus, to start with identity as derived from relations to one's own work and work product. There is the famous formulation (UD:27,2) to the effect that "everyone has the right to the protection of the moral and material interests from any scientific, literary or artistic production of which he is the author", which may be interpreted as the right to have some control over the surplus value produced by some particular type of immaterial production. The right points in the direction of patents and copyrights, and the many activities recently engaged in by artists, particularly in the field of music. As such it is the expression of the interests of a particular class of workers, cultural workers, a class well represented among the people who can excercise significant pressures on the norm production in connection with human rights. It is actually the only professional group mentioned in UD.

But what about workers in general? We have stipulated a general need to have identity with one's own work product, and that would certainly not only go beyond the category of remuneration, well into the "moral interests", but also go beyond the category of cultural workers to producers in general. The strong position of the human rights' tradition in favor of the family may be seen as one way of saying that the type of "production" that goes on inside the family, for instance in the form of reproduction, is protected in the sense that parents retain a relation to their

work product, their offspring.[27] Thus, if reproduction were organized in society exactly the same way as production then the offspring would be taken away immediately after birth, and be marketed. The moral indignation when such practices are known to occur, e.g. under conditions of extreme misery where the parents sell their children as slave labor or for prostitution, or for adoption (this, at the international level, being the modern form) is an expression of the feeling that there is an organic tie between parents and offspring, workers and product. But what about this tie in the more general case, why is there no expression in the Universal Declaration of Human Rights that reflects the umbilical cord between workers and work products in general? Not even for individual artisans?

The explanation is, of course, that this is an element in socialist doctrine and the Declaration is not a socialist document; it is created under other conditions and by other groups. But it is interesting to speculate on an extension or reformulation of Article 27,2 in the direction of, for instance, "everyone has the right to the protection of the moral and material interests resulting from any kind of work product to which he or she have contributed with their work".

To this it may be objected that there is a key phrase in Article 27,2, "of which he is the author". Leaving aside the male chauvinism inherent in this expression, the basic point is the one-one-relationship between the individual cultural worker ("author" is in singular, the plural possiblity not being alluded to) and the work product. The objection would be that in the case of factory work, for instance, there is no such one-one-relationship. To this, however, it may be objected that factory work can be organized in a different way as shown by the SONY and Volvo (and many other) experiments whereby individual workers assemble the total product. They are not permitted to sign it, however; an interesting expression of limits to the identity with work products--for blue collar workers that is.[28] This, however, may be changed in the future in which case an important border line between the artisanal and the industrial modes of production would be blurred.

However, it may also be objected that this reasoning is a way of playing up to the individualism inherent in Article 27. Why should not the collectivity of workers have "right to the protection of

the moral and material interests" of a collectively produced work product or set of work products? More concretely, this would mean both the right to dispose of the surplus produced through their work, and the right to be identified with the work product, to feel pride in it, to be criticized positively or negatively, on the basis of the work product (it will be remembered that today bridges and major buildings are identified not as a product made by workers, but with the architect who made the drawings, possibly with the name of the engineering firm, in many cases with the bureaucrats or politicians who made decisions or were present at inauguration ceremonies). Thus, there is space for improvement in this field, and the way it has been done so far should not be seen as the final formulation.

However, there are more aspects to identity than identity with the work product. Identity with oneself is of key significance, particularly in individualist societies, and one way in which this identity is threatened is through the data collection on individuals taking place in modern societies. Characteristic of this data collection is that it presents a very segmented view of the individual personality: one agency has some data, another ageny some other data, and even when all these data sets are brought together (in accordance with or against the regulations stipulated in that society in this connection) the total data profile may give a presentation of the person but not the presentation that person would have given himself or herself. Leaving aside the problem of whether some of the data might be wrong or misleading, assuming that each data element is correct, the inner coherence between the data elements, the themes of which the data elements may be seen as expressions, the themes that constitute the personality, may be lost on the way. Hence, the right of an individual to self-presentation, to Selbstdarstellung,[29] as it is called in German, should be an inalienable right. The individual might say "yes, it is correct that I did that and that I said this, but it was because---". It is interesting to see that this right seems to be better protected under the concept of "due process of law", at least in countries where this tradition can be said to be well institutionalized, than in connection with data banks to which the individual may not even have any access.[30] Or, if he has an access it would at most be to try to correct misleading information, not to give a more holistic picture. the "theme".

What about the right to identity with others? Interpreted as a cultural identity it is probably rather well covered by the human rights' tradition. However, on occasions it may be pointed out that "others" is interpreted in the direction of nations rather than in the directions of other major groups, such as sex groups, age groups and classes, but then they are not legally defined (UD·15)[31/]

The right to identity with society can be said to be covered in many ways,but there is at least one way in which it is not covered: the right to understand social forces, the right to some kind of social transparence. It may be said that much of this is at least attempted to be covered under rights that guarantee freedom of expression, also about social and political matters. But this goes somewhat beyond abstract analysis of social forces. The need for some kind of transparence is the need, in accordance with the local cultural idiom, of being able to interpret what is going on by means of sufficient insight in what in fact is happening. This does not mean unlimited access by social scientists to the inner working of the decision-making machineries, nor unlimited access by everybody else to the writings by social scientists. These would be ways of implementing that particular need, if indeed it is a need, in some western societies. It is not a call for demystification of society; as a matter of fact, some might feel that this approach would only mystify it further. Rather, the point would be that there should not be too much of a gap between the presentation of society given by the elites of those in power and the presentation of society wanted/desired by the masses, by those not in power. The masses should have a right to exercise some influence on how society is presented.

As to the need for identity with nature: in these three instruments there is nothing about nature except some references with a clear economic content. It should be pointed out, however, that identity with nature is not the same as access to nature, nor the same as other uses of nature than economic ones, e.g. for recreation, aesthetic stimulation, etc. Identity with nature would go deeper: it would be a way of feeling oneness with nature, of not being separated from nature by a distance similar to the one between Herr and Knecht. It may mean the right to withdraw from society and into nature, living like a hermit or in very small communities surrounded by vast nature. As such it would be a right for which the world

might be too small if it were to be accorded to everybody. But it may also be interpreted as the right not to be forced into Herrschaft rather than Partnerschaft relations with nature, for instance by having to participate in industrial work, having to eat certain food and so on. Such rights, when implemented, might in fact also be very soft on nature and for that reason highly compatible with the limited world in which we live, particularly given the expanding population.[32]

Identity in the sense of having a purpose, or meaning with life, or closeness to something transcendental and transpersonal can be seen to be covered by the rights protecting organized religion (UD:18) But again there is the same problem: organized religion might stand in the way rather than facilitate the satisfaction of these needs. Maybe we know too little about the conditions under which such needs are satisfied. One guess would be that in a highly alienating society a sense of purpose with life is being lost, in which case there should be a right to have access to non-alienated work--interpreting that as creative work, work with some element of uncertainty built into it so that decisions have to be made, something has to be shaped. Such a right to creative work would be an important human right, but we could not be sure that it would, when implemented, serve to satisfy the need for a purpose of life, or indeed a need for identity with something above oneself in general. The most that the human rights' tradition can do, it seems--and that is already very, very much--would be to try to identify such negative conditions that, when not satisfied would seem to lead to the non-satisfaction of the need. Among them the right to exercise organized, institutionalized religion is one, and the right to have access to creative work may be another. The latter would no doubt be resisted by those in society who for all practical purposes have monopolized this right: creative, intellectual elites; some of them found inside the organizations known as states and corporations,[33] most of them found in the universities, academies and free professions of various kinds. In short: even given the very limited perspective on needs presented in section 2 above it is quite clear that there are important gaps--both in general terms and in terms of major groups of the population. The agenda for the future is a rich one, and the needs approach is fruitful in legitimizing the entry onto that agenda.[34]

4. Right formulations to which there are no corresponding needs formulations

What we shall do here is simply to review the three instruments of human rights with a view to uncover rights formulations that cannot be said to have any clear needs counterpart. As will be pointed out later (section 5 below) that is not necessarily any critcism of the concept of rights. There is no reason why there should be a clear correspondence between the two concepts; the position taken is only that insofar as development is associated with progressive satisfaction of human needs and human rights are seen as an instrument of development, then there will have to be some correspondence.

To start with the most famous formulation:

UD:1 All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Comment: This is obviously not a needs formulation, it can be seen as a mixture of a description and a normative statement about how human beings behave. As such, the statement leaves something to be desired: there is no recognition of what one might call the animal part of man. If the statement had started with a description of human beings as an inextricable web of the biological and the social, the physiological and the cultural,[35] then it would serve as a basis for references to human needs, provided one assumes that these are the two interrelated sources of human needs. Out of these sources "reason and conscience" may arise, but to say that all human beings "should act towards one another in a spirit of brotherhood" is probably to go far beyond the limits of human compassion.[36] As such, this statement is compatible with a Christian tradition, very spiritual and very universalist, but unrealistic.

UD:2 Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Comment: It is difficult to consider this as a formulation of needs; but it is an excellent statement of social justice; the idea that ascribed variables such as those listed should not have any influence on a person's access to social goods.[37] The article actually goes on stipulating that the status of the territory in which a human being lives shall not serve as a basis for making distinctions relative to human rights either. And Articles 6,7 and 8 carry the social justice formulation further, relative to access "to equal protection of the law". The same applies to Articles 9 to 12, with the possible exception that Article 9 (No one shall be subjected to arbitrary arrest, detention or exile) also has to do with the freedom of movement--but it is obviously the word "arbitrary" which is the key word in the article (there may be arrests, but only if they are in accordance with due process of law).

But what about the following articles?

UD:15 1) Everyone has the right to nationality

2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Comment: We have stipulated a need for group belongingness, and not only to primary groups directly surrounding the individual, but also to secondary groups such as nations. However, the nations of the world can be counted and listed, the concept of "secondary group" is much broader. To have a nationality may be neither a necessary nor a sufficient condition for this need to be satisfied. It should also be noted that there is no corresponding formulation about the right to belong in a meaningful way to other large groupings, such as sex groups, age groups and classes. It may be objected that this is because they are "tertiary groups", classifications rather than groups with internal interaction; but this is only partly true. It is only true under conditions of very low levels of consciousness--the transitions from category to secondary group is exactly linked to such political phenomena as social

mobilization, usually based on consciousness formation. Thus, the formulation in UD:15 reflects a limited and perhaps also old-fashioned perspective of group belongingness, however important it is.

UD:16 1) Men and women of full age, without limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

3) The familiy is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Comment: The last point in this article goes far beyond anything that can be said to be rooted in needs theory with regard to exhorting the family. The concept of "marriage and its dissolution" is probably also too specific to be said to correspond to needs. Thus, one might ask where homosexual unions, adoption, non-marital sexual relations, commune living,etc. would fit into these formulations; they could also be entered as rights and seen as sufficient conditions for the satisfaction of a bundle of needs associated with the family. The formulation limits the range.[38]

UD:17 1) Everyone has the right to own property alone as well as in association with others.

2) No one shall be arbitrarily deprived of his property.

Comment: It seems quite clear from the formulation that what is referred to here is private property, individual and "in association with others". It would be difficult to say that there is a general need to have private property in any kind of universal sense, and even in the most property conscious countries the need to have property seems to be limited. Thus, very few seem to feel that it constitutes an infraction of their rights not to have their own private tram, for instance, running around according to a schedule stipulated by the owner. Hence, the justification for this article will have to be found somewhere else.[39]

UD:21 1) Everyone has the right to take part in the government

of his country, directly or through freely chosen representatives.

2) Everyone has the right of equal access to public service in his country.

3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Comment: There is again the same difficulty; there is what we have stipulated as a need for participation in the political process that concerns oneself, through consciousness formation, mobilization and confrontation. What UD:21,3 stipulates, however, is a very special institutionalization of this based on the (western) system of parties and elections, underlying which there is an ethos of political individualism. As to 21,1 and 21,2: these are actually social justice norms, and as such hardly expressions of needs, but of values governing the construction of social structures.

UD:23 1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

UD:24 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodical holidays with pay.

Comment: Here is the clear distinction between work and leisure well known from western industrialized societies, but a distinction that certainly cannot be seen as expression of a need. Rather, one might think in terms of a need for some basic kind of connection, of integration between work and leisure--perhaps not a basic need, but certainly as something that is not reflected in these rights formulations. It should be added that Article 23,2 is a norm of social justice, stipulating equal pay for equal work and that Article 23,3 ties remuneration for work to the idea of "ensuring for himself and his family an existence worthy of human dignity". The male language used makes it clear who is the bread-winner, and the reference to the family also ties remuneration for production to the idea of reproduction. Again, it is difficult to see that these

are expressions of needs, certainly not of women needs.

UD:26 3) Parents have a prior right to choose the kind of education that shall be given to their children.

Comment: This may express a need of parents,at least in many cultures, but not necessarily a need of children--but then it is, of course, an expression of a view of the family as a society within the society with the parents having legislative, executive and judiciary powers. As such it sounds quaint.

UD:28 Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Comment: This admirable formulation provides an excellent linkage between various levels of social organization, from the individual levels at which these rights are seen to operate, to be implemented or infracted, upwards towards social and international levels. But as such it stipulates conditions, or rather indicates the levels at which these conditions may be identified, rather than needs. The needs are closer to the individual, at least hardly international, generally speaking.[40/]

UD:29 1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

Comment: In one sense it is a relatively empty formulation as long as the duties are not specified; in another sense what is being said is very significant: the right to have duties. But again this does not necessarily correspond to a need, perhaps because human beings hardly can be said to be born or socialized into strict distinctions between rights and duties. If one is a member of a group that sets the tone for certain patterns of behavior, and the distinction between rights and duties is an analytical rather than an empirical one. Incidentally,it is interesting to see that the word "community" is used as the setting "in which alone the free and full development of his personality" is

possible"--it is not the country. This is probably very realistic: human beings have developed their personalities long before anything corresponding to countries in our sense existed whereas communities, given a broad definition, seem to be as old as humankind itself.[41] The formulation points to the beta-channel.

Let us then move on to the International Covenant on Economic, Social and Cultural Rights which actually does not bring in so many new ideas; but some of the reformulations are interesting. It is written in four parts of which Part IV, Article 16 to 31 stipulates how reporting should be done and how the United Nations enter into the picture.

ESC:1 1) All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

Comment: One important point here is that the formulation is in terms of "all peoples", in other words in terms of collective rights rather than the individualism alluded to in the "everyone" of the Universal Declaration of Human Rights. Article 1,2 has the important final clause, "in no case may a people be deprived of its own means of subsistence" which points directly towards the New International Economic Order. And this becomes even more clear in the formulation in Article 2,3:"developing countries, with due regard to human rights and their national economy, may determine to what extent they will guarantee the economic rights recognized in the present Covenant to non-nationals".

ESC:7 (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no consideration other than those of seniority and competence.

Comment: It is hard to see that one can talk about a need to

be promoted, in a general, universal sense. Leaving the social justice aspect aside, this may be a typical case of how a universal human right may serve to constitute a universal human need where there was no such thing in advance, by promoting a way of organizing employment that rules out both caste organization and horizontal organization as possible social structures.

ESC:10 1) The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

Comment: An even more clear exhortation of the family as the pillar on which society is built than was found in UD:16,3.

ESC:12 1) The State Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2) The steps to be taken by the State Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirthrate and of infant mortality and for the healthy development of the child.

(b) The improvement of all aspects of environmental and industrial hygiene.

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases.

(d) The creation of conditions which would assure to all medical services and medical attention in the event of sickness.

Comment: It is interesting to see that by now everyone is entitled to "the enjoyment of the highest attainable standard of physical and mental health" which seems to be more than UD:23,3 "an existence worthy of human dignity", and UD:25,1 "a standard of living adequate for the health and the well-being of himself and of his family". However, the most important part of this article is the clear role given to the State (as opposed to other levels of social organization), in

other words to the alpha-channel mentioned in the introduction.

We then proceed to the Internatiol Covenant on Civil and Political Rights, to which many of the comments made above may also apply. It also organized in four parts out of which Part IV does not stipulate human rights but serves to create a machinery. The covenant is written in "everyone"-language rather than in "all peoples"-language and in many cases the formulations are very similar to the Universal Declaration.

CPR:20 1) Any propaganda for war shall be prohibited by law.

2) Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Comment: These cannot be said to be expressions of needs either. On the contrary, if there is a need for identity related to belongingness to nations, races or religious groups, then hostile attitudes and verbal or non-verbal expressions may be ways of satisfying this need. They are negative ways and they would be harmful to the needs of others for identity with their groups, and hence a clear case of clashing needs where rights might steer and regulate.

CPR:24 1) Every child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the state.

2) Every child shall be registered immediately after birth and shall have a name.

3) Every child has the right to acquire a nationality.

Comment: It is interesting to see that at this stage children endowed with some rights, although only "measures of protection as are required by his status as a minor"; not more positive rights (such as the access to work without being exploited). From being subjugated to the will of the parents at least as regards education the child can here be seen on his/her way

towards full personhood.

Thus, the relationship is a complex one; although there are quite clearly right formulations that do not directly express needs, all of this is related in a very complex way.

To explore this further, let us now change the perspective. So far we have compared lists of needs formulations with lists of rights formulations, with a view to locating overlaps and discrepancies, reflecting on why the two lists relate the way they do. In that type of approach there is a built-in danger: that there would be an assumption to the effect that there should be a very high degree of overlap. In other words, that rights should be based on needs; needs presumably being the more basic of the two. This is no doubt one fruitful perspective. But, as some of the reflections above have shown, "needs" and "rights" are species of very different kinds; they both constitute important approachesto understand, potentially also to improve, the human condition. Hence, the question could and should be asked, not only what is the lack of overlap, but which are the ways in which these two approaches may actually be contradictory in the sense that one will stand in the way of the other?

5. Some ways in which needs may counter-act rights

Needs instill in us certain perspectives on human affairs, so do rights--the question this time is the opposite of that of the preceding section: how will the needs distort the rights?

First, there is one obvious answer to this: by being defined at the individual level. The position taken here is that needs only exist at the individual level because a need subject is required, and the only subjects known, at least to the present authors, are individual human beings. But that limits the perspective on goals of development,or"progress". To take one example: the theme of equality. One might postulate a need in human beings for a basic minimum of satisfiers of various needs, but it seems hard to postulate a need for equality in the sense that the human beings would break down, disintegrate one way or the other unless all levels of need satisfaction were exactly the same. Many would in fact postulate a need for inequality, but we are not doing that either. Rather, the position taken here would be that these are system characteristics rather than individual characteristics, and that system characteristics if they are wanted have to be tied to values that are embedded in ideologies, and cannot be tied to needs that are experienced by individual need subjects.

This, on the other hand, shows us the advantage of higher level norm receivers: only those that are at a higher level will be in a position to have a regulatory impact on system characteristics such as equality, social justice, guaranteed diversity built into the social structure,etc. For all of these there may be some distant parallels at the individual need level: there is the need of women to have education, but that is not the same as a "need" of all women to have an educational distribution that would coincide with the distribution for men. Similarly, there might be a need for new experience, but that is not the same as a system level way of guaranteeing this through diversity built into society and ample opportunity for mobility for those who want to move. There is no immediate translation from needs to social distribution and social structure, there are ambiguities, interpretations, functional equivalents and things of that kind that will make the relationship very different from any kind of strict deduction in

the mathematical sense. For that reason the class of rights not only is broader than the class of needs in the sense of covering states of affairs that do not necessarily meet needs directly; it also should be broader , playing on the various social conditions that may be sufficient to meet needs (which is then quite different from being necessary conditions).

Second, and very much related to this: needs are defined at the individual level; rights may be individual rights but could also be collective rights. These are not the same as rights that had to do with the internal organization of the system, whether the latter is as a sufficient condition for meeting needs or not; these would be rights that concern the collectivity as an actor, among other collectivities. The "rights of nations" and the "rights of states" would belong in this category, and one of the most famous ones from recent times is of course associated with New International Economic Order (NIEO), eq., as expressed in the Charter of Economic Rights and Duties of States. An analysis of this charter[42] makes it clear that in this case the norm sender is the United Nations, the norm objects are the states, and the norm receivers would be something between the states in isolation and the United Nations in assembly: it might be something like the "international system". More particularly, the norm receivers would be those unnamed states that are seen as not implementing the duties mentioned in the Charta, the assumption being that if these duties are lived up to the rights will be implemented.

The basic point, however, would be that the norm objects are not individual human beings. And this raises the problem well-known from the discussion of NIEO: what is the relationship between the rights of states as defined in this important Charter, and the basic needs of individuals? In other words, is there compatibility between the NIEO approach to states, as an effort to create social justice among states in the international system, and the BN (Basic Needs) approach to individual human beings as effort to create social justice among human beings in the intranational system?[43] Is there compatibility, contradiction, even conflict?

The answer might be that the relationship is contingent: that international social justice in the NIEO sense is neither a necessary nor a sufficient condition for intranational social justice in the basic needs sense; the two approaches may simply be about different things, at different levels.That it is not a necessary condition might be indicated by the circumstance that a range of basic needs has been met at least at the minimum level in many countries without NIEO, even under the opposite conditions.

To this it may be objected that if this refers to countries on top ofthe labor and privilege pyramid constituted by the old international economic order, roughly speaking the western capitalist countries and possibly some others, their need satisfaction was at the expense of other peoples' needs satisfaction, and it is only by considering the total picture, using the world as a system, that the incompatibility between the old international economic order and the basic needs approaches can be clearly seen. To this, however, it might be answered that even countries at lower levels of the old international economic order have been able to meet a range of basic needs not by changing the international order, but partly by withdrawing from it and changing their intranational order in a revolutionary manner, giving a much higher priority at least in some phases of the historical process to ways of using the economic surplus in favor of basic needs satisfaction for those most in need.

Thus, look at the socialist countries of this century: the People's Republic of China, for instance, did not wait for a new international economic order to meet basic needs of what seems to be very substantial portions of the population. But then the objection may be that basic material needs have been met at the expense of basic non-material needs, particularly freedom needs (and in the case of eastern European socialist countries that have followed the general western industrial models perhaps also at expense of identity needs). It may be argued that it is only by considering the total range of needs as a system that a clear picture may be obtained of the total situation. To this it may then be countered that some needs are more basic than others, it is only by looking at the process over time that judgements may be arrived at, not everything is possible at any given historical moment and one has to start somewhere.

Nevertheless, the upshot of this argumentation would be that NIEO cannot be seen unambiguously as a necessary condition. And it is not a sufficient condition either, as can be seen for the following reasons. The range of instruments considered in connections with NIEO as expressed in the Charter and in the basic resolutions of the U.N.'s 6th and 7th Special Assemblies do not by themselves guarantee any increase in the level of living, material and non-material, of those most deprived in the countries supposed to benefit most from NIEO. That NIEO may be a sufficient basis for creating stronger states at the bottom of the present world hierarchy seems clear, particularly because a redistribution of capital resources will make it possible for the militarily less powerful parts of the total system to acquire more arms. But NIEO can also be seen as a general strategy that is highly trade oriented, trying to seek development through increased income from trade,which in turn would mean that efforts to use internal production factors for export will be rewarded more in the future than has been the case in the past, among other things because of better and more stable terms of trade. The difficulty with this, however, is that it will lead to a re-allocation of production factors for the production of exportable commodities rather than, for instance, subsistence products such as edible food stocks for the population. Thus, trade can be seen as a mechanism whereby the productive apparatus of a society is channelled through some well defined, easily controlled gates (such as harbors, airports, banking accounts, ministries of trade,etc), thereby increasing elite controls of the productive assets of a country.[44/]

The rest, given this, becomes the question of what kind of elites the country has. Will they use their control powers to allocate a higher proportion of total resources in the country for the satisfaction of basic needs of the masses, or for building strong states including the satisfaction of non-basic and sometimes even non-needs, of the elites? Much of this should not be seen in moral terms using allegations of corruption and things of that kind, but rather in terms of what kind of structure the country has internally. Thus, if the socio-economic structure is of such a kind that surplus produced at the bottom tends to end up at the top and surplus produced at the top or coming in as trade surplus from the outside tends to remain at the top,then the linkage between NIEO and BN is not only a weak one but probably even a nega-

tive one. In concrete terms this would mean that the surplus produced by the countless millions toiling under the sun and in the sweatshops for some remuneration which very often is insufficient for the subsistence of them and their families will continue to do so and the fruits of their labor will be used to building strong states, and: the structures that could serve to redistribute wealth internally, such as free medication, free education, subsidize transportation, terms of exchange between goods produced in the countryside and goods produced in the cities, etc. are absent. When there is little or no "trickling down" effect but on the other hand a well functioning"pumping up" effect the result is predictable: the country as a whole may undergo economic growth but the gap between the elites and the masses will be increasing. Thus, NIEO is not a sufficient condition for BN satisfaction; a new international economic order together with a new intranational economic order might constitute a sufficient condition.[45/]

The point we are aiming at is the following: if needs should be used as an unquestionable guide in the constitution of rights the right of states package contained so far in the NIEO as a process should not have been accepted. But that would have been a major shortcoming and a failure to recognize that the world in fact does operate at several levels, that each level has its own logic, and that it is legitimate to think and act in terms of rights of states and other collectivities (of which nations would be an important example), not only in terms of individuals. From the argument that NIEO is neither necessary nor sufficient to implement basic needs does not follow that it should not take place, for a number of reasons.

First, what is not a necessary or sufficient condition today may be so tomorrow. Several scenarios might be envisaged, among them the possibility that a global redistribution of wealth that benefits only the top of the poorer societies will so much enrage the bottom that even the means of oppression that their increased wealth may make it possible for the top to acquire to prevent major intranational transformations will be insufficient.

Second, the very availability of increased resources may open new channels of redistribution internally that so far have not

existed or have been insufficient, simply because there has been nothing that can flow through these channels. A new situation will be created through the redistribution, it may work to make society even more oppressive but it may also work in the other direction. More money may be used for a health service, not wasted.

Third, to ask the question of whether NIEO serves basic needs is important, the contradictions should be pointed out, but the conclusions cannot serve as a basis to try to stop NIEO. It is a little bit like asking whether the tidal waves around the world serve basic needs. They may do so or they may not do so; in any case they are. In the same way there is a sense in which NIEO simply is, it is a part of a political process that is taking place anyhow, it may have been said to start right after or during the Second World War, and the UN instruments that have been produced are only a minor part, a codification of some aspects of this process. But these instruments may nevertheless play an important role; they may regulate the process, try to steer it into directions that are potentially highly useful or at least not highly disruptive, violent and destructive to all parties. NIEO is an historical process and in one way or the other will come about as a part of a dialectic of which the whole international economic order, starting with the great discoveries, was and is another product.[46] Closely linked to this, however, is the internal dialectic of the countries of the world, the art of politics in this context is to make use of both dialectics creatively by exploring the conditions under which NIEO international justice and BN intranational justice become compatible. One hint or slogan in that direction: through self-reliance at the local, national and regional levels; in all probability the next major process that might follow in the wake when the tidal wave of NIEO loses some of its momentum.[47]

Finally, in addition to rights being operative at the system level and at the level of collective actors whereas needs are individually defined and as such expressions of ultimate goals, rights may also be definedrelative to the non man-made environment. The right to a safe/clean/balanced environment does not as such express any one particular human need, but possibly a cluster of material (health) and non material (identity) needs.[48] Thus, the need for mammoths is probably low; the need for something for which a mature environment constitutes a necessary conditionhigh -and that is already a sui generis concept.[49]

6. Some ways in which rights may counter-act needs

Human needs are subtle, they are flexible, they vary in space and time--not the least in tune with the life cycle of individuals--not easily understood, certainly not easily met. And as they are met new needs tend to develop, in short: a very volatile concept. On the other hand, rights when well institutionalized will tend to take the rigidities of institutions, be inflexible, invariable, non-dialectical --and in saying so the base is already laid for the discussion of some of the ways in which rights in fact might impede the satisfaction of needs.

Thus, the first and most important one is probably the tendency for rights - given the present basic model with the United Nations as norm sender, governments as norm receivers and individuals, citizens, as norm objects - to become universal. To this it may be objected that in the norm production process itself, involving governments members of the United Nations, there is a built-in guarantee against excessive universalism: governments may protest, refuse to accept the norm production, in other words refuse to be a sender of the norm, and if that is not enough, refuse to receive the norm by non-ratification.[50] The problem is to what extent the government is able to articulate the needs of the population it represents, and in the case of authoritarian governments even suppressing legitimate needs of the population. The human rights machinery has a clear function in crystallizing such contradictions, either by using cases of non-co-operation in norm production or cases of non-ratification as a way of rooting the norm more firmly,[51] or by having the population use the right as a basis for a claim in case the government should nevertheless have signed or ratified, for instance in order to obtain other political gains that might offset the losses (sometimes perhaps underestimated) of not being able to redress the claims.[52]

These are relatively clear cases, however. What one should have in mind are more subtle needs than those usually considered in connection with "civil rights". Thus, in connection with schooling there is a compatibility between a universal norm to provide for schooling and the universal way in which schools are in fact built and used for educational purposes. But how sure are we that this corresponds to more basic needs lumped together under the

heading "education"? How much of what one associates with education is compatible with being taught, how much is incompatible and rather based on actively stretching out, seeking around oneself, searching alone and together with others to develop knowledge rather than receiving knowledge? [53] In such images of the education process, very well known in all debates about education, there is something less predictable from the point of view of governments, and universalism in the sense of consensus among governments may be a way of responding to the needs for power of those in government rather than the needs for education of those outside. In other words, the problem with universalism is perhaps not so much an international as an intranational problem. The problem is not that consensus may not or should be obtained among governments; the problem may very well be exactly that consensus is too easily obtained because of shared interests that all governments have.

Similar considerations could apply to the problem of human rights over time. As countries evolve (on purpose we are not saying "develop", that is a value judgement) the rights package to which it has subscribed may gradually become obsolete and respond less to the concrete situation. To this it may be objected that it can subscribe to new rights, that the norm production center will have more available in its storage, waiting for ratification so that the country (meaning the government) can design its own trajectory through the rights storage, compatible with its history. This is probably correct, and probably also one reason why one should not worry so much about the number of ratifications for each human right, but rather see the human rights as a program and the task of the norm producer to make available a vast array of such programs, with a hard core that could be seen as more universal.

However, the problem of time also enters at the level of individuals. Rights, like needs, tend to be formulated in a very positive way. It might sound frivolous in a world of so much misery as ours even to mention a "need for hunger" as something accompanying a need for food, but there is nevertheless a deep reality behind this. The "need for food" can and should probably be seen as a need for something much more complex: as a need for an oscillation between states of satisfaction and states of dissatisfaction where nutrition is concerned. It is hardly a need which is met by never feeling hunger, i.e. by continuously being fed, for instance intra-

venously. The satisfaction derived from food presupposes a state of hunger, which is not the same as moving into pathologies bordering on starvation. People may then have very different rhythms for these oscillations between states of satisfaction and states of dissatisfaction; maybe the freedom to choose one's own rhythm is rather basic in connection with all types of need satisfaction. So what we are saying, in fact, is that it may be the process of need satisfaction rather than the state of being satisfied that the need is about, a point which is rather obvious in connection with sexual gratification or with (other forms of) creative processes.

The problem is whether the notion of rights can capture such more intricate notions at all, or whether it will be fixated on one part only of the satisfaction-dissatisfaction continuum, thereby freezing images of the whole relationship to needs which maybe counter-productive. Then, there is the rather basic point that rights in order to be productive of anything at all have to be rather specific. If they are not specific they are open to too many interpretations, and in that case claims may be rejected referring to another interpretation than the one made by the claimant. But there is a limit to how much needs can be specified without being distorted. Much of the discussion about needs has to do exactly with this: how far can one go in subdividing needs without segmenting, atomizing something holistic, the human person as such?[54] Could it be that the whole construction of human beings as a "needs-package" is in itself a projection of certain atomizing, analytical features of western epistomology, which in turn correspond to the high level of division of labor in western societies, not the least in bureaucracies and international organizations? There is no difficulty to imagine one ministry for each need, each of them the executors of the implementation of a corresponding human right--leaving the sub-needs to the subsections of the ministries--the whole thing reproduced at the international level in intergovernmental organizations in general and the United Nations family in particular. It may also be argued that we have already gone quite far in this direction. To this it may be objected that it is not so essential because human beings themselves can put it all together: if they are guaranteed security, the basic constituents of economic welfare, identity and freedom they have the raw material of which they them-

selves can make a synthesis; if these things are not guaranteed in their environment.

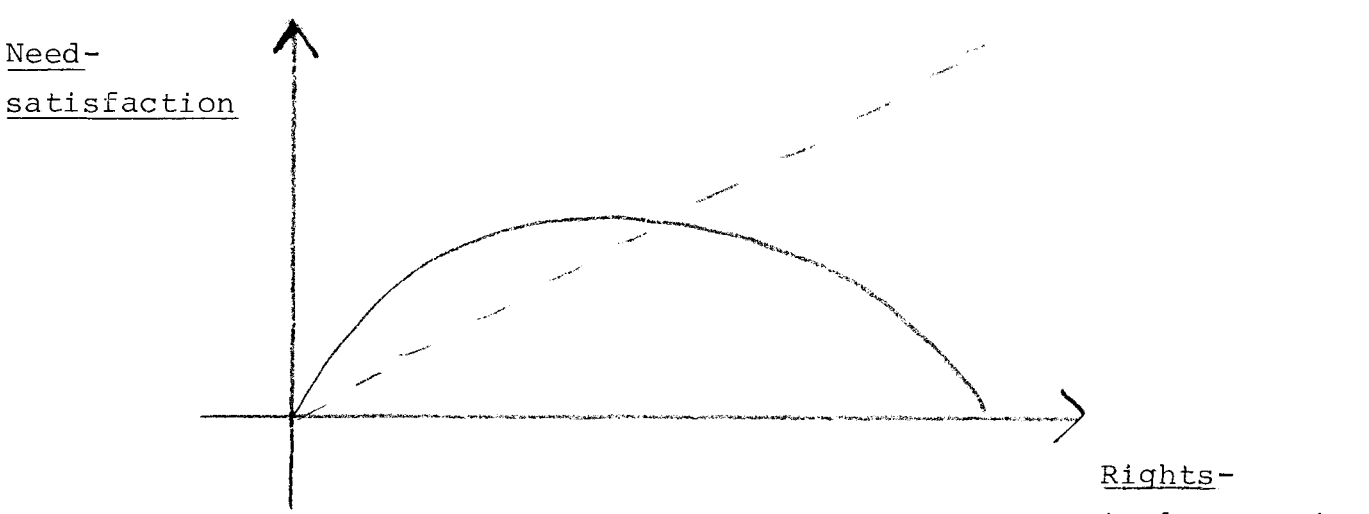
But the argument against this position, again, would be that there is in fact no balanced rights package available as the analyses in the preceding sections have indicated. The system, or the systems, will pick out some rights out of a total offering and filter others away, and in doing so they are less steered by a conception of human needs of the population than by the conception--it is presumed--of the needs of those in power. The rights package will always have to be a distorted reflection of the needs package, and for that reason, when implemented, tends to distort the total situation of human beings. Thus, it is hardly a coincidence that rights are weak on identity at the same time as what might be interpreted as one of the major indicators of lack of identity, of alienation, mental disease, seem to be increasing throughout the western industrialized world.[55] This may then be seen as an argument to increase the norm production intensively in the direction of the identity needs, and that may be a future approach. The danger is, of course, that in the zealous effort to fill in the gaps too many rights will be constructed leading to an overloading of the norm receivers and underloading of the norm objects; and there is the further difficulty about even the most densely constructed rights package that it is exactly that, a package or set of rights, not a holisitic entity that corresponds to human beings in their entirety. In fact, such words as those just used in the preceding sentence in our culture mainly stand for intuitions. Difficult to come to grips with, but nevertheless, probably rather important intuitions. Maybe the intuition is simply this: a need can only be truly satisfied in a context with other needs, it does not stand alone; and correspondingly for rights - the articles subdivide what should be kept together.

An obvious way in which rights counteract needs has to do with the division of labor in connection with the construction of rights. It has been pointed to above but should be repeated: that the process of producing norms is as important as being a norm object. In other words: to what extent does the process take care of the need to be a norm subject, a norm sender, not only a norm object? Participation of the population in formulating the norms would be a way of meeting a need to be active, to be

the master of one's own situation as opposed to being a client; but hardly possible, except in a very diluted sense,[56] with the present model: United Nations → government → citizens. It can only be possible at low level of social organization, for instance at the level of communities, and particularly in connection with the rather interesting model with the triple above receding into the background in favor of another triple: people → people → people. In a model of that type people themselves would work out the large concrete content of the rights, and the task of higher levels of social organizations would be to steer that norm- production process in very general terms. How is a very problematic question, well known from the theory of federal structures. However that may be, there is clearly a division of labor in the production of human rights that is counterproductive from the point of view of several needs.

The major point in this connection, the one that is being made again and again in this paper, is actually a special case of a much more general formula: how means supposed to serve the end of needs-satisfaction after some point tend to enter into a phase of rapidly decreasing utility, and then even into a region of rapidly increasing negative utility. The relation is somewhat as depicted below:[57]

Figure 1. Relation between rights as means, and need-satisfaction as end.



The dotted straight line represents the optimistic assumption of "the more the better"; the curve is probably a much more realistic hypothesis to the point that it may well be, in the future, that we shall learn to judge a country negatively by the number of human rights it has implemented - because of the opportunity costs in terms of the beta structures.[58]

One of the ways in which the vertical division of labor shows up is in the form of conditioning of the norm objects, by the norm senders and norm receivers. The tendency to look for higher levels of social organization for the solution of all kinds of problems may be habit forming. In this there is no denial of the tremendous potential and actual benefits that have derived to human beings from high levels of organization, only a reminder of the point that there will be an opportunity cost involved: low levels will tend to be neglected, not to be sufficiently expanded in depth to serve some of the same functions. And further, the conditioning will take the form of focusing on problems as defined by high levels, using the human rights package as an agenda even when low levels would have generated different agendas. In that sense it may not only meet needs, it may also create, artificially, needs. Thus, the freedom of expression interpreted at an individual level may make much less sense in a collectivist society; yet the propagation of human rights norms in that direction will tend to condition the population-- a point in line with the point about excessive universalism mentioned above.

Even more serious, however, is the tendency of the human rights tradition to foster patterns of fragmentation and segmentation. The legal tradition will have a tendency to look for the guilty actor when a norm has been infracted rather than looking for thewrong structure. The norm-receiver is an actor, for how could a structure receive a norm?[59] In the case of a collective actor that collective actor may hav structure, as is certainly the case for states. But the norm-receiver will ultimately have to be individuals responsible, or held to be responsible , for the collective actor. For this reason actor-dependent needs would generally be best covered by rights, as seen in the rich production of rights corresponding to freedom needs and the legal systems surrounding violence committed by individual and collective actors (not all of it crystallized into rights, though). The difficulty with rights applying to identity, for instance, is partly the problem of finding, locating, individuals personally responsible for acts that have alienation as a consequence. And correspondingly for rights applying to economic welfare: where are the actors responsible for misery? As for alienation they usually cannot be identified by intention, another cornerstone in legal paradigms (although not indispensable).[60] But there is another approach: instead of asking who are guilty of misery and alienation (notice how much more meaningfulare

the corresponding questions, who are guilty of violence and repression) one could ask: who are guilty of holding up actions that could lead to structural changes that would/might lead to higher levels of economic welfare and identity? The assumption would be that such actions have been identified, that there is a high level of consensus about them, and that they have been well communicated to the norm-receivers. 61/

There is also another way in which the human rights tradition might have a fragmenting impact: on the norm-objects. Elsewhere we have made the point favoring the rights tradition that it, as opposed to the needs tradition, permits constructions in terms of collective actors. But these actors are usually states or nations precisely because they have to be thought of as actors; there are many levels, often very loose, of social organization between the collective actors and the individual actors. Some of them are groups that act, on occasion (some of them, in turn, are juridical "persons"); others could more appropriately be referred to as social contexts. To take an example also used elsewhere in this text: a regime might claim that freedom of expression is implemented as long as individuals can be observed to express whatever they want; the individuals might claim that the point is not only that they as individuals are permitted to express but that others at the same time are permitted to be impressed by it- that there are listeners or readers, in other words.

And this carries over into the point about segmentation. Rights have to be specific, and insofar as they are specific they will cover ever smaller segments of human action. The right to food may be implemented through a system of work-place canteens; individuals may claim that to them it also matters with whom they eat, not only that they eat. This could be taken into consideration by a process of integrating rights joining a right to food and a right to togetherness with family members to a (non-trivial) right to eat together with family members. In principle this can be done, but it is quite clear that it has not been done to any siginificant extent so far. The main impression is one of segmentation meaning that a structure of need-satisfaction satisfying one need here, now and with these people and another need there, then and with those people, with no built-in right to integration would be entirely compatible with the formulations of the rights. As expressed above: articles divide.

We might summarize what has been said here by saying that the rights "model" so far has built into it certain Western assumptions that may pass unnoticed in a Western or Westernized context, and that this will tend to thwart the need-satisfactionin a certain direction.

7. Conclusion: the needs/rights dialectic.

In the Appendix a needs/rights matrix has been prepared, with the 28 needs of the list in Table 3, and the 49 rights in the Universal Declaration of Human Rights. This gives a total of 1272 combinations; for 49 of them an indication of correspondence has been given. These figures, needless to say, are not very significant - slight reformulations would change the figures completely; they are not "robust" entities. What is more interesting is the general shape of the matrix, bringing out an obvious point that nevertheless is worth repeating: the relation is very far from one-one. There are rights that correspond to many, one and no needs; there are needs that correspond to many, one and no rights - and, as pointed out in text: it ought to be like that.

As one outcome of this exercise let us now list, for the sake of easy overview, needs that might be considered as important candidates on the world waiting list for processing into rights:

- the right to sleep
- the right not to be killed in a war
- the right not to be exposed to excessively and unnecessarily heavy, degrading, dirty and boring work
- the right to identity with one's own work-product, individually or collectively (as opposed to anonymity)
- the right to access to challenging work requiring creativity
- the right to control the surplus resulting from the work product
- the right to self-education and education with others (as opposed to schooling)
- the right to social transparency
- the right to co-existence with nature
- the right to be a member of some primary group (not necessarily the family)
- the right to be a member of some secondary group (not necessarily the nation)
- the right to be free to seek impressions from others (not only from media)
- the right to be free to experiment with alternative ways of life

If something like this were formulated as rights the matrix would look different: most zeros at the bottom would be eliminated, for instance.

That a list such as this looks naive, and the formulations not very precise should not serve as an argument not to submerge oneself into the needs/rights dialectic, even in the form of a dialogue between those more trained in thinking in terms of needs and those more trained in thinking in terms of rights. Those two assertions may also be made about many rights formulations already in good standing - because we have somehow gotten used to them. And this comparison would be even more valid if the formulations were to be compared with today's right at earlier stages in their life cycle, eg., right after conception, even before birth in a ceremoniously accepted document.

The interesting point to research, however, would as usual be the circumstances under which needs somehow are translated into rights. One hypothesis might be formulated as follows: it does notdepend on the solidity of the work on the needs or rights ends, but essentially on whether the dominant norm-senders are of the opinion that the rights are sufficiently well implemented at home, in their own countries. Thus, an example that we might also have included in the list had it not been for the circumstance that we haveabstained from social justice norms (they are too numerous and in a sense too obvious in their structure) would have been as follows:

- the right of old people to live with their families

The right is clearly directed against old age homes and the likelihood that it would have been accepted by countries practising the removal of old people from their families and into old age homes is negligible. A human right like that would put the dominant countries of the First world at the bottom of the list where implementation is concerned; it might actually reverse that list almost completely, and would for that reason be resisted. In this case, however, there is at least an understanding of what implementation would mean; in the case of many of the other rights indicated above decision-makers might not even have any idea about what implementationmight mean except for a vague feeling that it would spell nothing good for their social formations. Everybody's right to creative work, for instance, is obviously in rather clear contradiction with the way in which modern, industrialized societies are organized.

Thus, if rights are only accepted when the solutions are at hand, then we may either have to wait for a long time, or other groups would have to come into dominant positions as norm-senders.

Then, to turn the table around: is there any way in which the rights orientation might inspire the needs orientation - can the rights be used as a basis for defining new needs, for instance? In principle, yes, but in practice probably not, for those who do research on needs are considerably more free in probing the borderlines of the human condition than the rights people, tied as they are to notions of negotiation, (near) consensus, and ratification. The dialogue would rather have to go in another direction: to instill in the needs people the idea that there are other values than those directly associated with needs that are in need of the type of protection (sometimes) accorded to the rights. This should by no means be interpreted to mean that with these two concepts a universe of discourse is closed: there is much more in the world in general, and in the world of development in particular, than needs + rights -- for instance power, structures, politics.

Finally, what about the fourth category, the "things" that are neither on the list of needs, nor on the list of rights. They are as important as anything on the two lists if either concept is to be dynamic, flexible and - one might add - chaotic, like in the matrix (although that gives a much too orderly impression). Probably this fourth category can best be strengthened or given life in a dialogue with people in general, outside the confines of the two kinds of "experts" alluded to above, maybe people in general will more clearly see what is missing.