

Chapter 4

The Mutual Limitation of Needs as Bases of Moral Entitlements: A Solution to Braybrooke's Problem

DUNCAN MACINTOSH

Abstract

David Braybrooke argues that meeting people's needs ought to be the primary goal of social policy. But he then faces the problem of how to deal with the fact that our most pressing needs, needs to be kept alive with resource-draining medical technology, threaten to exhaust our resources for meeting all other needs. I consider several solutions to this problem, eventually suggesting that the need to be kept alive is no different in kind from needs to fulfill various projects, and that needs may have a structure similar to rights, with people's legitimate needs serving as constraints on each other's entitlements to resources. This affords a set of axioms constraining possible needs. Further, if, as Braybrooke thinks, needs are created by communities approving projects, so that the means to prosecute the projects then come to count as needs, then communities are obliged to approve only projects that are co-feasible given the world's finite resources. The result is that it can be legitimate not to funnel resources towards endless life-prolongation projects.⁷⁷

⁷⁷My thanks to Heidi Tiedke, Susan Sherwin, and Richmond Campbell for helpful discussion. My thanks also to Sherwin and to Peter Schotch for their editorial work on this volume, and, of course, to David Braybrooke, for the stimulation of his ideas and for the example of philosophical collegiality which he has constituted in the philosophy department at Dalhousie University.

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4.1 Introduction

In his book *Meeting Needs* (1987), David Braybrooke argues that meeting people's needs ought to be the primary goal of social policy. He distinguishes two types of needs. First, there are course-of-life needs. These are needs which everyone has and which must be satisfied for people to function normally in society when performing any of the roles of which the society approves and advancing any of the projects it permits people to choose. Second, there are adventitious needs, ones varying from project to project, and which must be satisfied in order for people to advance the specific projects for which they have individual preferences. Social policy should be organized to try to satisfy needs in their order of importance—course-of-life needs first, adventitious needs second.

In this paper I moot several possible solutions to a problem that worries Braybrooke. The problem is that using costly, resource-intensive medical technology to meet the basic needs people have to be kept alive at what would otherwise be the end of their lives will consume all the resources available for meeting needs in general. If grounding entitlements in needs is correct, we must find within the concept of needs a way to limit this crisis in a morally acceptable way. Many of the solutions I shall consider have difficulties, but discussing them will refine the problem and point the way to a workable solution.

4.2 The Appeal of Needs as the Basis of Moral Entitlements to Resources

It is attractive to see needs as the basis of moral entitlements. It seems more plausible, for example, to see it as entitling someone to something that they need it, rather than just that they want it, or would be made happy by it. That they have a right to it might seem an even better argument. But what grounds the right? Again, it is plausible to say that a person has a right to something in proportion to her need for it. This seems more acceptable than saying that her right owes to her having found the thing, or her having claimed it, invented it, contracted for it,

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or having mixed her labour with it. For these latter pretexts presuppose principles of justice in the acquisition of goods characteristic of institutions of private property, institutions themselves needing grounding; and, arguably, they are defensible only if their existence results in people's needs being met. True, such institutions have been defended by Nozick as being required in order to afford everyone unfettered liberty (Nozick, 1974). But on reflection, surely there are things more important than that kind of freedom, specifically, the meeting of people's basic, undeniable needs. There seems, then, to be something foundational and irrefutable about someone's having a title to something on the basis of needing it.

Taking entitlement to ground in needs has the further advantage that the question of whether someone has a need seems to be empirical, something that can be ascertained by investigation, and on which there could be a consensus compelled by the non-moral facts. Thus it would make entitlement objective. And this would mean that, in one stroke, we had answered three questions of meta-ethics:

1. Question: how can morality be factual? Answer: the question, what, morally, ought to be done, reduces to the question, who needs what, and so who should be given what?
2. Question: how can we infer from statements about what is (true) to statements about what ought to be (true)? Answer: by the mediation of needs: if it is true that someone needs x , it ought to be made true that they are given x .
3. Question: how can apprehending moral facts be reason-giving in the sense of motivating? Answer: our moral duties are to meet needs, and seeing that someone needs something tends to incline one to procure it for them.¹

Taking needs as the basis of moral entitlements also provides a grounding for forming policy on how to distribute resources among people, for we could then compute which policies are correct from knowledge of

¹For more on this constellation of issues, see Richmond Campbell's essay in this volume.

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people's needs in a needs calculus, much as was hoped by utilitarians for the felicific calculus.

4.3 Braybrooke's Problem

Unfortunately, there are at least two problems for this view, problems deriving from the possibility of two kinds of 'needs monster,' on analogy with the notion of a utility monster. Utilitarians hold that a world is morally better the more happiness there is in it. There are at least three versions of utilitarianism. On one, what matters morally is how much happiness there is in the world, not how many people share in that

happiness. But on this version, if there were a creature who, by being given all of the world's resources, would be made more happy than the sum total of everyone else's happiness on any other distribution of resources, that being should get all the resources; and this seems unjust.

(This creature is hyper-efficient at converting resources accorded to it into its own happiness, and therefore hyper-appetitive for resources.)

Suppose we say instead that a world is better the more happiness there is in it, provided everyone is made equally happy in that world—total quantity of happiness is not all that matters; it matters too how the happiness is distributed. But then there could be another kind of utility monster, a creature so ineffective at converting resources accorded to it into its own happiness that, even distributing most of the world's resources to it at our expense, so that the rest of us have only enough resources to live lives just barely above being miserable, this creature's life will still just barely be above being miserable. (If the first creature is the efficient utility monster, the second is the inefficient utility monster, and it too is hyper-appetitive of resources.)

This suggests a third kind of utilitarianism, one in which both the total amount of happiness and its distribution matter, but the distribution required is not perfect equality. Instead, if vastly more people could be made vastly happier by not trying to make the inefficient utility monster happy, then that is how resources should be distributed. Equality matters, but only to a degree; it can be outweighed by other considerations using some discounting factor. People do not have an absolute right to

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participate equally in the total amount of happiness, only a weighted right. Their being equal participants is only allowed to weigh down to a certain degree the total amount of happiness. The degree, of course, is problematic to formulate or justify.

At any rate, until recently, the existence of such monsters was a largely abstract problem: most of us are in fact pretty similar in our appetites for resources and in our efficiency at converting resources into our own happiness. True, relative to me (a non-disabled person), a disabled person is in some degree an inefficient utility monster; and relative to a disabled person, I am in some degree an efficient utility monster.

² But the resource cost to the rest of us for helping the disabled is relatively small. For many of the disabled are fairly easily helped, so helping them is cheap (we put in wheelchair ramps and so on), while the remainder are fantastically hard to help (they have irreparable spinal cord damage, say), so hard that there is almost nothing we can do (except give them nursing care, say), and so, even doing what we can, it is cheap to help. So barring a massive increase in the number of disabled people, or in the severity of their disabilities, or in the availability of hugely costly means of helping them, redistributions of resources to accommodate the disabled will probably not overly drain the total resources available.

But medical technology is getting to the point where, with great cost in resources, it is possible to extend individual lives; and the longer lives are to be extended, the more resource-costly it is to do the extending. Already the lives of some persons are being extended at great cost in resources, the cost growing as technologies become available for ever-increasing

prolongation. (Think of the epidemic of diabetes and the cost of the dialysis sometimes needed to treat those in diabetes-induced, end-stage renal failure—hundreds of thousands of dollars per year per patient.) And if ever more resources are devoted to producing these technologies in order to extend people's lives, ever fewer resources will

²I am assuming for the sake of argument that, on average, it would take more resources to provide a disabled person with a given amount of happiness than would be required for a nondisabled person; for I am assuming that extra resources would be required to mitigate the effects of their disabilities. But in a given actual case, this assumption could be false: notoriously, how happy people are can be quite independent of whether or not they have perceived disabilities.

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be available to support the activities that make people's lives worth living. Pretty soon, we will all be inefficient utility monsters. We will all be said to require for our happiness more and more of the ever-moreavailable but ever-more-costly technologies needed to prolong our lives.

The analogous problem for a needs-based morality is obvious, and it is a problem Braybrooke admits he is unsure how to solve (Braybrooke (1987a) chap. 8): if people need anything, they need the prerequisites for being alive; and as our bodies inevitably age, we will all come to a point where only longevity-prolonging technology can keep us alive—we will all need this technology. But not all of us can have it, or at least not without other people, at some point in their lives, not getting the resources to have a decent life. Meeting people's needs for lifesustaining technologies can only be met at the cost of not meeting many other needs. Perhaps these other needs are less important. And yet they are needs which, if they go unmet, make it dubious whether life is much worth living.

On the face of it, Braybrooke's problem is not solvable. Surely needs should be met in the order of their importance; and surely it is more important to meet someone else's need to be kept alive (assuming they will have some minimally decent quality of life) than to meet my need to have a life more than minimally decent in quality. It then seems morally obligatory to distribute resources in such a way that as many people as possible are kept alive as long as possible, even if this is to be at the expense of the overall quality of people's lives.

Indeed, the problem seems even more pressing for needs-based ethics than for utilitarianism, or at least the third form of utilitarianism. For the utilitarian can say that all extending a person's life by a day does is increase one person's happiness by one day; and if there is a more efficient way to increase more people's happiness, then since the total level of happiness would be higher that way than by using otherwise deployable resources in heroic medical efforts for one person, that is how they should be used. But it seems that, on needs-based ethics, the need a person has to be alive trumps all other non-life-and-death needs of any and all other persons.

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4.4 Possible Solutions to Braybrooke's Problem

Braybrooke's problem in a nutshell is this: given that our social and institutional priorities should be meeting people's needs, in their order of priority, how is this not to oblige us to live lives of drudgery supporting the longevity of ourselves and others? There seem to me to be several possible solutions. I now consider them in order of increasing

conceptual ambitiousness.

4.4.1 Questioning the Empirical Assumptions of the Problem

One solution is to claim that the problem makes empirically false assumptions.

Maybe it will not prove all that expensive to extend lives; maybe this can be done without much sacrifice in the meeting of other needs, and in the meeting of the needs of other people who do not yet require medical technology to live. For one thing, extended lives may wind up being extended in productivity as well, so that, as the need for life-extension technology expands, so will those resources constituted of a robust workforce. And so we will have resources to meet these needs: people with longer lives will be able to work to pay for everlonger lives.

It may also be possible to innovate not just in inventing life-sustaining technologies, but also in their resource cost—maybe they are likely to become cheaper and more efficient, especially as they are pursued in an ever-expanding market.

Further, maybe meeting some people's prolongation needs will result in others' needs being met—the person whose life we save can now continue in the workforce; and with her productivity there, she can contribute not only to maintaining her own life, but to meeting the needs of other people, and to meeting needs of other sorts than those of life prolongation. This solution, however, banks on empirical hopefulness and so cannot be counted upon.

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4.4.2 The Defeasibility of Needs

Another proposal recognizes that the needs of a given person or population may be defeasible and may have to yield to the more pressing needs of other persons or populations, so much so that those whose so-called needs are defeated never really had them. To take an example, all women might have been thought to need to be tested for the gene for breast cancer. But in fact, unless there is a specific pattern of breast cancer in one's family, it is unlikely that one has the gene. So the people with breast cancer in their families need the test more than people who do not; and if the test requires resources that are also in demand for many other, more pressing needs, maybe the people who do not have this known risk factor do not really need the test at all.³

There are attractions to the proposal: it seems right to meet more pressing needs first and to expend resources where they will do the most good. However the proposal presupposes that we have some general principle for balancing out the distribution of resources to people, and this has not yet been deduced from the concept of needs as bases of moral entitlement. Besides, there is no guarantee that, even giving resources first to those who need them most, there will not come a time when resources will be exhausted even by this principle. After all, everyone's life comes to an end if it is not extended by medical technology, and no one's need to live a longer life is, other things equal, more pressing than anybody else's. We will all eventually need costly heroic medical technology. We will all still become inefficient needs monsters.

4.4.3 Is the Location of Needs in Individuals or Groups?

A related solution is to reconceive the locus of needs. It is generally assumed that the thing which has needs is the individual person. But

perhaps needs are had not by individuals in isolation, but by populations; or perhaps individuals do have needs, but only derivatively from the needs of the populations of which they are members. Either way,

³This is an aspect of Susan Sherwin's proposal which is presented in her essay in this volume. In addition to owing this and the next proposal to her paper, I am grateful for its succinct and lucid summary of Braybrooke's book and of what I am calling Braybrooke's problem.

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and returning to the problem of what to do about an aging person who requires costly medical technology to remain alive, our first question therefore should not be what *this* older person needs, but what *older* people need. The answer to this is perhaps whatever will keep as many of this population's members alive for as long as possible with as good a quality of life as possible. And to that end, perhaps, what this population needs is not heroic, resource-costly new medical technology, but better nutrition, community-based, preventive medicine, better education, and a higher minimum income. We could do much more for the population of older people with low-tech preventive medicine and social reorganization than with the limited number of high-tech machines we could produce.⁴

Notice that, by taking populations rather than individual persons as the bearers of needs, we benefit conceptually by being able to consider what makes a population as a whole well off in terms of needs satisfaction; this notion seems already to embed some of the conceptual apparatus we require in order to do needs balancing: the mere fact that a given member of a group is faring poorly does not automatically mean that the group is faring poorly and so may not mean that there has been a failing of moral duty in looking after that population's welfare. This could allow us to justify not meeting what would have been the pressing needs of an individual on an individualist analysis of needs.

Unfortunately, it is not obvious that groups matter except so far as their members matter individually, so that the needs of the group may ultimately be nothing but the sum of the needs of its members; and if we think of the parts of this sum as constituted of one individual at a time, we are back to each of these people needing heroic technology, their need for it obliging us to drain away resources from meeting other sorts of needs of theirs and of other people.

We might reply by saying that the very identity of the members as *individuals* derives relationally from the identity of the group, so that it makes no sense to see any of the members as individuals except in relation to the group. Or at least it makes no sense to see them as having

⁴This proposal is probably a conceptual generalization of a specific proposal Sherwin makes.

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needs except derivatively from the needs of the group.⁵ Thus your need for aid in having your life extended merely gives you title to what a policy that advances the longevity of older people in general would give you. So you are specifically entitled only to what, on average (to take one example of a criterion for assessing the state of a population), best serves older people. And since having expensive technology for you would mean not having community-based medicine for the many others who could benefit by it compared with your having your technology, you do not have a need for that technology, but only for the services of, say, community-based medicine.

Problems remain, however, for we can still face conflicts of needs between groups—the quality-of-life needs of young people versus the life-and-death needs of old people, for example. We might try to evade that by treating everyone as members of one giant group, therapizing the needs of the population as a whole rather than individual by individual, and giving to each individual only the form of treatment which benefits the most members of the population as a whole.

But while no doubt we are all in some sense defined relationally to everyone else, we also have sub-relations in which inhere some needs; and these, again, can conflict with the needs inhering in other subrelations, or even in ourselves as between the several sub-relations in which we participate. (For example, I am now relatively young but will one day be old.) Moreover, the larger we make the population in the group, the more the problem of what to do for its members becomes our original problem; for the more inclusive we make the group, the more heterogeneous we make its membership, and so the more potential for conflict of needs defined in sub-relations there is among its members. If the group contains the young and the old, for instance, it seems more likely that there will be a conflict of needs between the group's members. While if we say that what each member is entitled to is determined by the needs of the group, then this presupposes that we have figured out how justly to balance the distribution of resources to people generally.

Thus in reconceiving the locus of needs onto groups and away from

⁵Again, I am indebted to Sherwin for her work on relational conceptions of persons; there is a close connection between what I am considering here and aspects of her proposal.

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individuals, I have perhaps illicitly assumed that, once needs are located as inhering in groups, the notion of needs would permit helping as many people as possible, and helping them as much as possible; and this may be problematic for allowing us to ignore someone whose inclusion in our policy would reduce the total number of people we could help, or the degree to which we could help them. For how is this to be justified? After all, they too are members of the population. So why are we allowed to ignore them? The answer is presumably that we have not ignored them—they are getting the same treatment as everyone else (community medicine, say)—it is just that it is not really doing them much good. But then it seems we should have a way of deducing from the concept of needs itself, not just that needs inhere in populations rather than individuals, but also the correctness of using a certain conception of what it is for a population's needs to be adequately met. For why should not the test be, say, that the least well-off person in the group is made better off by the correct policy, rather than that most people in the group are made better off? But if the former is the correct test, we have our problem back, for the least well-off people will again become inefficient needs monsters relative to us. While if the latter is the correct test, we are efficient needs monsters relative to them.

Finally, even waiving this conceptual issue, and even if we can go a long way towards meeting the needs of a group conceived at the group level with low-tech manoeuvres, ones low in resource cost, sooner or later, the only way to go further will be with expensive technology and research, and we will have our problem back; we will once again all be

inefficient needs monsters.

4.4.4 Do People Really Need Indefinitely Long Lives?

Another way to solve Braybrooke's problem might be to challenge directly the idea that the mere fact that something would be a means to extending a person's life means she needs that thing; for it is disputable whether a person needs to live a very, very long life. Suppose there were a way to keep a rabbit alive indefinitely: does the rabbit really need to live forever, especially if the means involves virtually starving all the other rabbits? Now suppose we can do this for a person. Does she really need to live indefinitely? Why? Perhaps it would be nice for her—she might like it or want it, and so might her friends, family, colleagues. But that it would make her and various other people happy does not entail that she needs it. No doubt there are various projects her being alive would allow her to prosecute. But does she need to complete indefinitely many projects? Is there any need that she be the one to do all of them?

This line of argument may not work, however, for our conception of what someone needs to have had a full, satisfactory life is probably something whose boundaries gradually expand as the possibility of a longer life expands. Perhaps when life spans were shorter it would have been thought extravagant to have a life much more than seventy years, and it would have been doubted whether anyone needed to live much longer—a seventy-year span would have been long enough to find love, raise a family, have a career or two, be a decent citizen, experiment with alternative lifestyles, see what there was to see of the world, cultivate one's potentials and talents, make some mistakes and atone for them. What need to live much longer? But now that people can live to be eighty, ninety, a hundred, there seems to be all that much more to experience and do—there is now the prospect of a long, healthy, and peaceful retirement, extended grandparenting, travel, new hobbies, extended education, seniors' political activism. Our conception of what it is to have lived as long as one needed to live for a good and full life has expanded, and will keep expanding. And why should it not?⁶

4.4.5 Needs to Life Extension Not Really More Pressing Than So-Called Less Basic Needs

But maybe we are wrong to think of the means to life prolongation as representing greater or more pressing or higher-priority needs than those that would have to go unmet to meet them. Why, after all, does one should acknowledge that Braybrooke was more interested in the problem of the resource needs of those experiencing medical difficulties in mid-life, a time when, by any measure, they had not yet lived a full life; but the logic of the problem is the same for older people, especially as our conception of a reasonably full and long life expands. Indeed, the logic is starker for older people, since aging and its infirmities are inevitable and so ubiquitous.

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a given person need to live another day? Answer: in order to do the things persons trying to live a good life do in a given day—go to a movie, maybe. But a given younger person not on death's door without expensive technology to rescue her might need to go to the movie too. Looked at perhaps a bit cynically, a life is nothing but a string of days full of miscellaneous projects, and so the need to live, and the need for the means of continuing to live, is nothing but a need to advance

projects. But we all have projects, no one's automatically more valuable or pressing than anyone else's. So why should the fact that a given person requires a lot of resource-costly medical technology to engage in her next project mean that its requirements should have higher priority than, say, mine, which need nothing but a movie ticket? That you will die without the machinery sounds like a big, trumping argument, but all you are going to do with your technology is, say, go to a movie. So now we are comparing your going to a movie, figuratively speaking, with my going; and why should you win? Why should I renounce my ticket to finance your machine just so you can go to the movie instead of me?

4.4.6 Meeting Basic Needs versus Meeting the Needs the Meeting of Which Make Life Worth Living

Relatedly, if you are not even going to go to the movie—maybe no one can afford movies after we all pay for your machine—why stay alive at all? What is the point if you cannot, say, go to movies? It is implausible that we should have to trade off what makes life worth living just to make more life, whether the trade-off is within one person's life, or between the lives of two.

4.4.7 Meeting Other People's Needs as Not Really Being a Cost to the Meeting of Our Own Needs Given That We Are Needs Altruists

Yet another way we might go is to observe that people's needs overlap in this sense: if it is true that one person's seeing that another person needs something inclines the first person to ensure that the second has her need met (as was hypothesized of needs as part of what makes needs-based grounding of entitlements attractive), then perhaps the first person has a need to see the second person's need met. But if one of our needs is to see other people's needs met, so that meeting their needs is part of meeting ours, then funnelling resources to them is not seen by us as a resource cost to us and the meeting of our needs. Returning to utilitarianism, relative to me, a disabled person is not an inefficient utility monster if I derive happiness from the happiness of the disabled; for then I would not experience the funnelling of resources to the disabled as a cost to my resources. And relative to a disabled person, I am not an efficient utility monster if she derives happiness from the happiness of the non-disabled, for then she would not experience the funnelling of resources to them as costs to her resources.

This can only take us so far, however. For at some point, my needs being defined as needing the meeting of your needs must ground out in a need defined independently of other people's needs. And in any case, it is certainly false from the start that our only needs are for meeting others' needs. But if we have any other needs, and if meeting them could require an indefinitely long life, it will be possible for life-prolongation needs to swamp all other needs.

4.4.8 Needs as Relative to Projects Approved by Communities; Re-Choosing Needs

Braybrooke himself in effect provides the materials for a more promising solution. He sees needs as functions of the extension of the term 'needs' in a linguistic community. This extension is determined by the projects which the community endorses as permissible or important,

with the most basic needs being things that are means to the pursuit of virtually any project. But then it might be an option to have a community alter its conception of appropriate projects, thence to alter what will count as needs; and perhaps one factor in any such self-chosen cultural evolution would be the co-tenability of its projects given finite resources. A community might choose, then, to have the project of living a very long life not be among the projects it recognizes as important.

To be sure, there are issues this proposal raises:

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1. It implies that communities choose their cultures reflectively and deliberately; and while this may be true to a degree, much of a culture's evolution occurs without such self-direction.
2. Even if communities choose their cultures—choose the projects they find acceptable as options for people within the culture—it seems intelligible to imagine a community making a mistake about whether a project should be permitted. But then, in making decisions to put accepted projects into equilibrium with available resources, it is presumably possible for a community unjustly to limit or permit projects. And if the genuineness of a need in turn depends on the correctness of cultural decisions about whether to embrace or eschew projects, it follows that there are culture-independent standards on something's being a need. In that case, however, it is not—or not just—the community approving or not approving certain projects that means people do or do not need the means to them, but these independent standards. So it is the standards which are doing the work; and so for us to use this solution, we must figure out what the standards are.

But let us waive this worry for a moment; let us suppose then that a community cannot make a mistake: someone needs X just if the community has approved her project and X is instrumental to her prosecuting it. Then there is another problem:

3. Needs then seem less empirical, and more stipulative, and so less suitable to answering the meta-ethical questions the answers to which I advertised as among the attractions of seeing moral entitlements to ground in needs. At the very least, needs would be empirical only in that it is empirical which stipulations a community has made.

Another difficulty with this approach is:

4. It solves the problem by an illegitimate kind of fiat: if we find that our community has tacitly embraced the project of people having indefinitely long lives, and if we find that this is draining away resources from every other project, we just decide no longer to embrace that project. But this seems no different from simply refusing to meet people's extant needs. It is too easy a way out, not to say an immoral way. At the least, surely principles of procedural justice are violated. People are entitled to know what the rules are and not to have the prospects of their presumptively community-approved projects yanked out from under them. We could get around some of this by giving notice that, from now on, no new beginnings of projects of a certain sort will be approved;

but there would still be all those people who have well begun the project of extending their lives, people who will continue to drain all the resources. A final difficulty with the proposal is:

5. If there are constraints of procedural justice on its implementation, then unless these can be analysed from the concept of needs, again, it is not needs that are grounding entitlements, but something else, or needs plus something else.

4.4.9 The Conceptual Analysis of Needs; the Axiomatics of Needs

I do not have room to deal with all of the difficulties with the previous proposal. But I see a way to begin rehabilitating it if we combine it with some conceptual analysis of the notion of needs. The problem has turned out to be that of how to resolve conflicts of needs, the conflict between basic and less basic needs, and between the basic needs of some persons and the less basic needs of others. It is obvious from the medical technology problem that there is no purely *practical* solution to the conflict: if living a long time is an acceptable project, then the basic needs of people seem expandable indefinitely as life-prolongation technology improves. The only hope of a permanent solution, then, is conceptual. And the form of conceptual solution I shall suggest is that the logic of needs is more like that of rights: just as your rights and mine stand as mutual limits on each other, so my needs and yours mutually limit each other. This could work in either of two ways: it may be that it cannot be true that you have a certain need if some need of mine would have to go unmet in order to meet yours. Or it may be that, while we can have needs in conflict, the status of one's needs as serving as a basis for

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one's moral entitlement to resources is limited by the status of the needs of others as serving as a basis for their moral entitlement to resources. Along these lines, we can articulate, by conceptual analysis, some axioms from the idea that needs are the basis of resource entitlements. All other things equal, surely

a It is better that the needs of more people are met than less.

b It is better that the needs of a given person are met well rather than poorly.

c No one's needs have automatic title to be met if the cost is that no one else's needs would be met.

d A person has title to have her most pressing needs met even if this is at the cost of other people having their less pressing needs fully met, provided their needs are still met fairly well.

e If two people equally need something, and there are resources to give it to only one, a morality of needs is silent on who should get it—something else must break the tie.

f If a certain distribution of resources would meet all of everyone's needs, it is the morally correct distribution (and if more than one distribution would do this, any of them can count as correct, though perhaps depending on the implementation of an appropriate symmetrybreaking technique and the official community acceptance of the chosen distribution).

g If, compared with any other arrangement (and failing the possibility in (f)), meeting a given person's needs more fully than the needs of all others are met would result in more people's needs

being met, and in these needs being met more fully, then this is a correct arrangement (again, with a clause to handle tied systems of doing this, where the other systems do it by privileging a different person).

h No person is such that, independently of other considerations, their needs deserve to be met rather than those of some other person.

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i No person is such that, independently of other considerations, their needs deserve to be met more fully than those of some other person.⁷

These axioms afford a solution to our problem, at least if I am right that the need to live another day is no more pressing than the needs of a person not immediately at risk of dying. For then the need to live another day is just the need to do whatever one was going to do that day; and both of these people have that need. But since this means that these two people have needs tied for being basic and pressing, then, by axiom (e), needs ethics has nothing to say about which of the two should have their need met. We may use a symmetry-breaking technique. Political negotiation might be part of the process of breaking the tie, perhaps the sort of negotiation we see during elections about how much priority to assign health care in the national budget and in the process of interest groups lobbying policymakers. (Axiom (e), then, goes a long way to deriving procedural justice from the notion of needs as entitlements.) Furthermore, if needs are to base moral entitlements to resources, if resources are finite, and if needs come into existence by communities approving potential projects, and approving the choosing of them by certain individuals, then perhaps something is only a legitimate project if its foreseeable resource requirements are not incompatible with those that will result from other people in the community making *their* approved choices among approved projects. For recall axiom (f), that a resource distribution is correct if it meets all of everyone's needs. There appear to be two ways to bring about such a distribution: we can find the resources to meet all needs; or, considering the situation *ab initio*, as if prior to any needs existing, we can be careful to create only needs that the totality of available resources can meet.

Let me develop this second strategy: suppose that, by approving projects and their selection by individuals, we in effect allow to come into existence needs not all of which can be met given finite resources; then we have brought into existence an unjust pairing of needs and re-

⁷Probably more axioms could be given than these; these ones could be given a more hierarchical structure, and they could be more perspicuously shown to follow from the notion of needs as entitlements. Projects for another time.

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sources compared with a possible arrangement in which all people's needs could all be fully met given available resources. So projects must be co-feasible given resources, and people can be allowed to choose among those projects only in ways co-feasible given the permitted choices of others.

This is something we already take care to ensure in our culture. We restrict the number of people who can be members of certain professions, or who can be funded artists; sometimes we require or allow people to compete for the privilege of having a certain project, in part to

make sure that people having it is not an excessive drain on resources needed for other people's projects—think of grant and scholarship competitions. All of this is consistent with the axiomatics of needs. And it solves our problem, provided, again, that life-prolongation needs are just project needs (or provided that living a long life is a separate project able to be approved or not independently of certain other projects); for then life-prolongation needs are limited in their permissible extent by the co-feasibility constraint. That is, if life-prolongation needs are, project-wise, no more pressing than those associated with any other project, then they may be permissibly limited.⁸

This would be consistent with the possibility I mooted earlier of its being intelligible for a community to make a mistake in approving projects, and so in allowing supposed needs to come into existence by these approvals. For, arguably, no community has successfully created genuine needs if its so-called needs violate the needs axioms. In particular, no community has successfully created genuine needs if its so-called needs violate the constraint (axiom (f)) that needs, and so projects and the numbers of people allowed to participate in certain projects, must

It might be objected that, while we can avoid failing to meet people's needs by failing to approve projects, or by failing to approve individual people's choosing certain projects, thus preventing the needs from coming into existence, we may also be harming people by doing this; for we are in effect limiting various opportunities of people. The reply is that we are doing this justly, and that allowing these opportunities, because it would result in reductions in the social capacity to meet needs, extant or potential, would itself be unjust; and if Braybrooke is right that meeting people's basic needs is the first moral priority in entitlement considerations, then failing to meet needs would be worse than not allowing opportunities. Finally, arguably we are not being unjust in restricting opportunities provided we follow procedural justice in distributing them—for example, provided we break ties in unbiased ways.

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be co-tenable given finite resources. We can then say that people who plead that they have a need, where their having the so-called need met would involve a total drain on resources, never really had that need in the first place, because the project that is costing all of these resources was never correctly approvable.

This meets the concern of another point raised above that it is wrong to refuse to meet people's extant needs just because they have become huge resource drains. For the needs in question are now revealed never to have been legitimate, since they violate the needs axioms. But what about the procedural justice issue, people having a right not to have their projects cancelled without notice? Again, axiom(e) to the rescue: the projects of those who are having resources drained away by the longevity project of others also have such rights; it is sad that the resource drain was not anticipated, but we now have a tie on claims; and this can be resolved, again, by political negotiation and symmetrybreaking.

Note that all of this solves the problem as I formulated it earlier in terms of needs monsters. For this solution makes both kinds of monster impossible, since both drain all resources in ways we now see are incompatible with the axioms that conceptually define needs as bases of moral entitlements: no one can be allowed projects whose existence would create needs which would consume all the resources required to meet other people's needs, on pain of violating axioms (f), (h), and (i). Still, there are troubles. For one thing, this solution relies on the claim that something's being a means to your not dying does not make it something for which you have an especially pressing need. But if that

you will die without x does not constitute your having a pressing need for x , what on earth does? Surely there is something special about needs for things required in order for one to go on living. Well, perhaps what is special about continuing to live is that the end of life is not just the failure to advance a project, but the end of all possibility of projects. On the other hand, if life-prolongation needs consume all resources, that constitutes, in its own way, the end of all possible projects too for those denied resources by their deployment on life-prolongation needs. So maybe there is nothing special about life-prolongation needs after all.

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Again, we have a mere tie, one we may resolve by axiom (e).

Another objection might be this: are there not biologically given, unrenounceable needs, ones not just in common to all actual culturally approved projects, but to all possible ones so far as we are biologically based, resource-dependent beings? This a plausible worry. But it in effect introduces a different conception of what a need is from the one Braybrooke gave us. His account implies that, given biology and the decisions society makes about how to deal with it, needs are, at least in part, constructed by the community approval of projects and their community-approved adoption by individuals; and so needs are, therefore, hugely plastic.

It confirms Braybrooke's conception over the conception of needs as biologically given, that many people have had projects whose prosecution required renouncing the so-called biologically given needs—think of kamikaze warriors eager to sacrifice their lives in what they see as a just cause, or athletes who knowingly compromise their longevity by using ultimately toxic but performance-enhancing drugs in the project of athletic excellence. Staying alive is not part of every project; so the need to stay alive is not universal, and so not biologically given either. True, many possible projects require one's being alive for one's prosecuting of them. But that does not automatically make staying alive a universal, biologically determined, inevitable need; it only makes it a means to certain ends—ends at least in some degree, for some people, optional.

There may be a way to accommodate the nerve of this objection more fully in Braybrooke's conception of needs, however. For it may be that most people, perhaps for biological reasons, value certain things—for example, a long and healthy life—and this would induce people to endorse these things as projects, and so these projects would be found as part of virtually every culture. Nevertheless, the needs axioms still provide both the conceptual framework of needs and a constraint on morally permissible community endorsements of projects—there is still the requirement of the co-tenability of needs given finite resources. While resources should be matched to needs, needs should also be matched to resources.

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The co-tenability constraint no doubt leaves a lot of latitude; probably there are many ways to meet it, and so many different kinds of communities' approved projects could pass it. But it is also a real constraint. And it may be that, given this, certain projects may be legitimately community-endorsed only by the consent of all needs claimants

in the community. Imagine, for example, a community that has become obsessed with astronomy: by consensus vote, it approves the project of devoting most of its resources to producing an extremely long-lived astronomer; the hope is that she can be kept alive long enough, with extraordinary medical and technological efforts, to witness the remaining history of the universe, even unto its eventual heat-death billions of years from now. This would be a case where a co-tenable collection of needs has been created: the astronomer needs to live indefinitely to witness the end of the universe; and all others in the culture are like worker bees who need to do their part in making sure the astronomer lives to see the end. (Offspring are raised to have the same projects.) But had the community not come to a consensus on this enterprise, the astronomer would have been an inefficient needs monster relative to some people in the community, and her needs would not have had automatic title to be met.

There are further complications here, however. For one thing, it now seems that needs are not the ultimate foundation for entitlements. Rather, preferences ground everything; for it is preferences that induce members of communities to approve of possible projects, and to approve individuals choosing projects. So the need for something, *x*, can come to exist only if people in communities come to a consensus on projects and the having of them by selected persons, projects to whose prosecution *x* is then a means. And this must make us ask whether, apart from the constraints of the axioms of needs, there are constraints on morally permissible preferences, and therefore projects, and therefore needs. It must also make us wonder how it is to be determined what a community is; who is in it; whether communities are obliged to be such that the projects one community approves are co-tenable, given the world's finite resources, with the projects other communities approve;⁹ and whether it is permissible to attain consensus in a community by the exile of dissidents.

There is no room to deal with these matters here, beyond observing that, while needs may require preferences in order to come to exist, preferences cannot make just anything a need. For possible needs are constrained by the axioms of needs; and if it is needs that create moral entitlements, then at the very least, not just any preferences can accrue moral entitlements to be satisfied. Given the range of possible preferences, a range which has, since Hume, been thought to embed all manner of *prima facie* distasteful, and yet supposedly ultimately uncriticizable, preferences—from the purely self-interested to the positively malevolent—this limiting of moral entitlements by the required mediation of needs must be seen as moral progress. For it means that mere preferring does not make right.¹⁰

⁹These questions figure in another problem which worries Braybrooke: as part of the internationalization of culture, we in the developed countries have begun to see those in the undeveloped countries as members of our linguistic community, so that the extension of our use of the term 'needs' now includes their needs. But then we are obliged to provide resources for meeting their needs, again, possibly at the expense of making everyone's life just barely above miserable in terms of met needs.

¹⁰This may afford a start on a solution to yet another worry of Braybrooke's, namely, that some needs are *prima facie* immoral, or at least morally embarrassing; but yet as needs, surely they have title to be met, possibly in competition with *prima facie* moral needs. How can we justify meeting the latter over the former from the concept of needs? Well, the needs axioms, particularly the

co-feasibility constraint, may so constrain genuine needs as to rule out the immoral ones. This connects with work I have done trying to prove that all of people's possible preferences must be such as to be co-tenable in the sense of being co-advanceable, this ruling out preferences to exploit other people in the sense of arranging the non-satisfaction of their preferences as a means to the satisfaction of one's own. Note that this would require all beings with preferences to see all other such beings as in the same community, and this would help answer some of the questions of the preceding paragraph in the main text. Similar sorts of moves could be used to rule out for a morality of needs, various extreme, selfish conceptions of ethics, e.g., needs egoism. For more on the required co-tenability of preferences, see (MacIntosh, 1998).