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Needs, harms, and liberalism

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ABSTRACT

The harm principle entails the subprinciple that harm to others provides a *pro tanto* moral reason for legal or social coercion. We address a 'scope problem' for that subprinciple: how can what counts as harm be restricted sufficiently, without sacrificing extensional adequacy, to protect the harm principle's liberal credentials? While recognizing the centrality of such basic liberties as freedom of speech, freedom of association, and freedom of movement to any liberalism worthy of the name, a satisfactory solution to the scope problem must secure a distinction between conduct that harms others and conduct that, while it might negatively affect others (casually or relationally), does not harm them. We ground such a distinction in a further distinction between needs and attitudes.

KEYWORDS freedom of speech; harm; harm principle; liberalism; moral powers; needs; welfare

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A scope problem for the harm principle

In his classic statement of the harm principle, John Stuart Mill writes that 'the only purpose for which power can rightfully be exercised over any member of a civilised community against his will is to prevent harm to others' (Mill 1859, Ch. 1, para. 9). We break the principle down into two subprinciples:

> (SP1) The prevention or reduction of (significant risk of) harm to others is a *pro tanto* moral reason for coercion (i.e., in this context, state or social interference with individual liberty).
>
> (SP2) In a 'civilised community', there are no other *pro tanto* moral reasons for coercion.

SP1 is plausible, relatively uncontroversial, and not decidedly liberal; SP2 is implausible, relatively controversial, and (while liberals need not, and arguably should not, endorse it) decidedly (though not exclusively) liberal. Evidently, justifiable interference with an individual's liberty need not, on liberal grounds, *only* reside in harm prevention. Incarceration of criminals might also, by liberal lights, have a rehabilitative justification. Taxation to provide public goods and/or for redistribution, is widely considered justifiable by liberals because it provides benefits or promotes social justice.

It may be contended, also, that an agent can violate a right without thereby causing a harm (cf. Bradley 2012, pp. 401–2) and that, for example, some laws are liberally justifiable on the basis that they protect such rights (cf. Stanton-Ife 2016). This is pertinent to liberal theory's predominant modern and contemporary strains, for they are typically non-utilitarian, recognizing, most prominently, rights that are irreducible to utility (e.g. Rawls 1971).

Following such liberalisms, rights that do not derive from or reduce to the good can, contrary to SP2, provide *bona fide* moral reasons for coercion.

Having shown that liberalism does not entail SP2, the ground is clear for our main topic: SP1's *consistency* with liberalism. To paraphrase and supplement Holtug (2002, pp. 364, 373), while moving the focus exclusively onto SP1, we are concerned with a 'scope problem', namely that of providing a conception of harm that, while extensionally adequate, does not sanction under SP1, as tokens of the right kind of reasons for coercion, reasons that are not of the right kind. Reasons of the wrong kind plausibly include the actual or purported *attitudinal effects* of a kind of conduct on patients (e.g., being enraged, offended, or shocked), and the actual or purported *attitudes* that, in engaging in the conduct, the agent *expresses* (e.g., bigotry about persons, contempt or hatred towards them, or contempt for a religion, political doctrine, way of life, or social movement).[1]

Common contemporary philosophical accounts of harm have under- or over-generation problems that negatively affect their combination with the harm principle *qua* liberal principle (Folland 2022; Holtug 2002). We agree with Folland (2022, p. 151) that 'it is unreasonably demanding to require that there is a full-blown, and problem-free, theory of harm' pertinent to the harm principle. Nevertheless, SP1 is uninformative if we cannot systematically distinguish between harmful and harmless conduct (cf., Husak 1987, p. 233 on SP2). Liberalism must draw a workable distinction between harms to persons and non-harmful negative effects on persons: for example, the aim of preventing, via state or social interference with individual liberty, mere offence would be antithetical to the place that liberalism affords to those liberties that various strains of liberalism converge in regarding as basic (cf. Holtug 2002, p. 357).[2] Moreover, it is easier for manipulative agents falsely but convincingly to claim offence or other forms of psychological 'negativity' than it is for them falsely but convincingly to claim harm. Finally, 'the scope of what can affront the sensibilities […] is potentially vast and offence can be taken

unreasonably' (Stanton-Ife 2016, p. 342), while harm is not of the right category to be 'taken' at all.

These are among many reasons why liberals tend to deny that merely *attitudinal* effects count as harms. It is a well-worn point that SP1 does not entail that harm prevention is a sufficient reason for coercion, but only that it is *a legitimate type of reason* for coercion (e.g., Holtug 2002, pp. 359–60). Expansive conceptions of harm might nevertheless jeopardize the harm principle's liberal credentials by over-generating in respect of the token reasons for coercion that are (albeit not thereby decisive) of the right type under SP1.

Holtug (2002, p. 364) notes that 'a person who is offended is normally [thereby] put in an unpleasant mental state'. By contrast with the notion of *offence*, on our account the general notions of *harm* and *need* extend to non-conscious organisms: they are therefore neither intrinsically political nor apt to be psychologised. Political philosophy comes into our picture in considering the needs of humans *qua* citizens: that is, as persons conceived of as free and equal parties to social co-operation that possess the two Rawlsian 'moral powers', namely the capacity to make judgements about justice and the capacity to form a thick conception of the good (Rawls 1971, 2001, 2005; cf. McLeod & Tanyi 2023). Under this conception of citizenship, while harms are not the same as setbacks to interests, certain interests beyond citizens' interest in not being harmed as organisms are within SP1's reach.

We address the scope problem via a needs-based and objectivist conception of harm that applies not just to persons or humans but to all living beings. On that conception, and speaking roughly for now, harm to an organism requires intrinsic bodily damage, or environmental conditions, detrimental to the development, possession, or exercise of needs-meeting capacities. The kinds of detriment to needs-meeting capacities that humans can suffer as political animals also include impairment to the capacities for 'the full and informed exercise of the moral powers' (McLeod & Tanyi 2023, p. 470; adapting Rawls 2001, p. 112).

In this article, we explain the underlying philosophy of needs. We then present analytical and linguistic evidence that organisms and persons have needs that are irreducibly axiologically (and, in turn, normatively) significant. Next, we outline a conception of welfare that, while allowing that subjective factors are relevant to the welfare of conscious beings, has an objectivist and needs-based core that applies to both conscious and non-conscious organisms. Subsequently, we move, with our needs-based core conception of welfare as background, to a needs-based and objectivist conception of harm. On our account, while neither notion reduces to the other, the order of conceptual and explanatory priority runs from *need* to *harm*. Also, we argue that the conception of harm furnished by the needs-based core conception of welfare is immune to some common objections to philosophies of harm. Finally, we address the scope problem via the needs-based conception of harm.

Needs, the concept *need*, and needs statements

We regard the theoretical philosophy of need (involving the language, logic, metaphysics, and epistemology of needs), as prior to the practical philosophy of need (involving the bearing of needs on practical reason, morality and politics).

While it may be ubiquitous in everyday moral and political thought, we hold that the concept of *need* is generally neither a normative nor an axiological concept (McLeod 2014; cf. Frederick 2020; Shaw 2023). When a sentence uses the language of need that is, as we argue shortly, insufficient for it to be a sentence that expresses a norm or a value. Moreover, humans' status as needful beings is, like our susceptibility to harms (Bradley 2012), something that, to the detriment of the plausibility of any theory that would entail the opposite, we share with non-human organisms (Anscombe 1958; cf. Attfield 1981; Frederick 2020; Ingram 2023; McLeod 2014; Shaw 2023). This means that (unlike, for example, *liberty*, *justice*, and *rights*) *need* is not a concept that is primarily to be understood via moral or political philosophy. Given

that all organisms have needs but that the members of most species are not persons that can be bound by norms of practical reasoning, the notion of need does not necessarily involve any notions of moral or prudential requirement. Rather, the notion *grounds* some moral and prudential requirements.

Having summarized our methodological standpoint and why we adopt it, we now address some matters of syntax and semantics. We begin by distinguishing between *general* claims about needs and *singular* statements of need. General claims about needs do not attribute a need to a specific individual. They include some claims that attach normative or axiological significance to needs:

(1) Parents normally have a special duty to meet the needs of their dependent children. (cf. Wieland 2011, pp. 263–66; also, Puls 2016 on Kant)

(2) When, to further human ends, people make non-human animals dependent upon them for the meeting of the animals' needs (e.g., by farming them or domesticating them), or when they implant needs in the animals (e.g., through breeding), this gives the people a duty to meet, or to enable the meeting of, the needs of the animals that does not arise for wild animals. (after Scruton 2000)

(3) Individual differences and species differences can include having different needs; such differences are relevant to how others should relate to individuals that they encounter, and to how they should care for or otherwise nurture needful beings that are relevantly related to them. (after Scruton 2000; cf. McLeod 2011; Reader 2007)

(4) People who are not in need have an imperfect duty to help meet the needs of people who are. (after Kant 1797, 6:453; cf. Rawls 1971, p. 114)

(5) '[T]he government is […] authorized to constrain the wealthy to provide the means of sustenance to those who are unable to provide for even their most necessary natural needs.' (Kant 1797 6:326; cf. Ignatieff 1984; Rawls 1971, 275–77)

(6) 'A competitive price system gives no consideration to needs and therefore it cannot be the sole device of [just] distribution.' (Rawls 1971, p. 276; cf. McMurty 1998, pp. 159–66)

(7) Whenever an organism or person needs something, that which is needed is (or would be) good for the organism or person. (after Frederick 2020; cf. Lowe 2005)

To evaluate the plausibility of such general claims, it is not necessary to ask *for what* the relevant needful beings need that which they need. The plausibility of these claims seems to rest on their being broadly about the kinds of needs that, although we deny that attributions of them are themselves statements of deontic or other practical requirement, some philosophers hold are good candidates for having 'normative force' that is 'categorical' (Brock 2013, p. 446).

The analysis of singular statements of need can enable the identification of the needs that are relevant to such general claims as (1)–(7), that relate to welfare, and that thereby generate (although, we think, statements of them need not *express*) 'normative force'.

Statements of need may employ the verb 'need' or the noun 'need' (Shaw 2023, pp. 330–31; cf. White 1975, pp. 103–4), as in the following forms and examples.[3]

Type 1: ***A needs to VP.***

(8) Tom needs to be executed.

(9) Viksar needs to eat more oily fish.

Type 2: ***A has a need to VP.***

(10) Viksar has a need to eat more oily fish.

(11) Karen has a need to move house.

Shaw (2023, p. 330) distinguishes between subject-relational need statements, that attribute needs to the being to which the sentence's subject term refers, and those that are non-subject-relational. Statements, like (10) and (11), that use the 'have a need' form exhibit a very strong tendency to be subject-relational. It is subject-relational needs statements that are relevant to axiology, but to clear the ground let us first explain (simplifying Shaw 2023) the markers of a statement's being non-subject relational.

Inference from Type 1 to Type 2 is not truth-preserving. For subject-relational needs statements that are of the form 'A needs to VP' inference into a corresponding statement of the form 'A has a need to VP' is truth-preserving (when contextual factors are kept fixed). For example, inference from (9) to (10) preserves truth:

(9) Viksar needs to eat more oily fish.

(10) Viksar has a need to eat more oily fish.

By contrast, the following examples show failures of truth-preservation: the second sentence does not follow (either because its falsehood is compatible with the truth of the first, or because it is infelicitous) from the first. In each case, assume the truth of the first sentence in the pair.

In the case of (8), assume that this is by order of a king; in that of (12), assume that it is under a bylaw.

(8) Tom needs to be executed.

(8*) #Tom has a need to be executed.

(12) The noise needs to be kept below 80db.

(12*) #The noise has a need to be kept below 80db.

Transformation from Type 1 to Type 2 gives infelicity. This second marker is related to the first. The range of noun phrases that can felicitously take the A-place in sentences of Type 2 is narrower than for Type 1. It is a marker of a Type 1 sentence's status as non-subject relational that infelicity results from transforming it into a sentence of Type 2. The reason why Type 2 sentences in which the subject is inanimate, like (12*), are infelicitous is arguably that they involve what linguists call 'selection errors'.[4] The subjects of these sentences are not the right kinds of things to *have needs of their own*. If a being has needs of its own, then it has a good or welfare (in the widest senses of the terms). Inanimate beings do not qualify (cf. von Wright 1963, p. 50). A related point may partly explain why inference from (8) to (8*) gives infelicity: to say that a person or organism *has a need* for something is (at least in some contexts) to say something that conceptually entails, or that implicates, that the thing needed is *good* for the person or organism.

The singular statements of need that are of special moral and political interest are subject-relational: they attribute a need to a being, *as that being's own*. If a need is a being's own then it can be met, and it can (without the simultaneous demise of its bearer) fail to be met: this distinguishes needs from essential properties (McLeod 2011, p. 221). True statements of such needs are neither statements of value nor about what is to be done: they describe the necessary

dependency of the needful being upon the need satisfier (functionally specified). This necessary dependency is a source of normativity; the needs, in the relevant sense, of a person provide *pro tanto* reasons for that person to act to meet them. For a patient (e.g., a child) for which an agent (e.g., its parent) has a duty of care, the patient's needs serve as reasons for the carer to act to meet them, or to enable the patient to develop the capacities to meet them.[5]

From a semantic point of view, the relevant subject-relational statements of need tend to be *absolute*, rather than *instrumental* (such as the need of a person intent on murder for a weapon; Shaw 2023, pp. 332–33). We define the notion of *absolute need* via the following schema: A needs X *absolutely* if and only if A *has a need* for X and it is not within A's power to relinquish that need. While some agents have the capacity to foreswear the satisfaction of some of their absolute needs (such as when a person goes on a hunger strike), the needs themselves cannot be relinquished (Thomson 1987, pp. 223–24; cf. McLeod 2011, p. 221). An instrumental need, by contrast, is either not had by a being as its own or it is relinquishable by the being that has it (McLeod 2015).

(1)–(7) are plausible only when they are taken to concern the absolute needs of the organisms and persons involved. It would be uncharitable to interpret (1)–(7) as encompassing needs like a murder's need for a weapon. (1)–(7) suggest, further to the reasons given for this by Shaw (2023), that it is highly pre-theoretically plausible that there are absolute needs that are of independent moral significance (in that their significance does not depend on what is referred to by the term that fills the Y-place in constructions of the form 'A needs X in order to Y').

True singular statements of absolute need, while themselves neither axiological (i.e., expressive of judgements of value) nor normative (i.e., expressive of what is, or is judged to be, morally, politically, or prudentially required), sustain some general principles that involve axiological notions. Among these are that (all and only) beings that have absolute needs have

a good of their own and can therefore be harmed. Whatever an organism absolutely needs, when functionally specified (e.g., as under the terms ‘hydration’ and ‘nutrition’), is something that typically, and within limits, will benefit that organism.

Facts about absolute need are objective in the sense that the judgements we make about our own absolute needs can be mistaken. Our absolute needs are one of the measures of the wisdom of, rather than being determined by, our axiological judgements (Thomson 1987; cf. Lowe 2005). Individuals can know their desires, and their axiological judgements, by introspection, but they cannot so know their needs (McLeod 2011). On our account, instead of needs being defined relative to the avoidance of pain and other forms of phenomenological suffering, the latter are (as in medicine) defeasible indicators, as symptoms, of objective ill-being (cf. McLeod 2011).

Against the view that ethics must be ‘needs-centred’ (Brock & Reader 2002, 2004; Reader 2007), and against the weaker view that needs are of independent axiological and/or normative significance (Thomson 1987; Wiggins 1991),[6] it is commonly suggested that meeting a need is valuable or required only in so far as there is some valuable or required ‘end’ that might be attained by meeting the need (Barry 1965, pp. 47–49; Guy Fletcher 2018; Frankfurt 1984, p. 2; Grix & McKibbin 2016, p. 293). We suggest, by contrast, that the ultimate normative significance of facts of absolute need is not relative to what is in the Y-place when a true statement of absolute need is rendered as a statement of the form in ‘A needs X in order to Y’. Rather, it resides in the moral significance (either itself or in relation to moral agents) of the being that is referred to in the A-place (cf. Shaw 2023, p. 353). Meeting an absolute need matters *for the good of* (but typically does not matter *to*) the being that has it (Anscombe 1958; cf. Attfield 1981).

A needs-based conception of welfare

The satisfaction of an organism's absolute biological needs is necessary for its survival, its health, and, when applicable, for it to be the subject of enjoyable experiences such as are likely to arise when it engages in the characteristic needs-meeting behaviours of its species. On our account, the satisfiers of absolute biological needs are not only extrinsic (i.e., objects, stuffs, and environments). Rather, organisms also absolutely need intrinsic *capacities*, such as the capacities of predators to hunt, that enable them to attain extrinsic satisfiers.

The partial conception (not amounting to a full theory) of welfare that we will provide has as its central notion needs-meeting capabilities (such as the capability of an adult predator to hunt) and, as a subsidiary notion, capacities to develop these capabilities (such as the capacity of a newborn of the species to become a hunter). Beyond their absolute biological needs, humans living under the circumstances of justice have needs that are constitutive of personhood and thus of citizenship (conceived in a broadly Rawlsian way).

Let us explain the notion of a 'constitutive need' (here adapting Grix & McKibben 2016, p. 293 to our Rawlsian purposes). Recall that to be persons, humans need what Rawls calls 'two moral powers': these are the power to make judgements about what is just and unjust and the power to form a conception of the good (Rawls 2001, pp. 18–19). The relationship between possession of the moral powers and personhood, however, is not a means-end relationship. Rather, possession of the moral powers is part of what it is *to be* a person. Possession of the moral powers is not, unlike the satisfaction of a child's absolute biological needs prior to its attainment of the moral powers, a casual prerequisite for *becoming* a person. The constitutive needs of persons are not absolute needs of persons, because, as a consequence of our earlier remarks about absolute needs, and where F is a sortal concept, an absolute need of an F is something that can go unsatisfied while the F continues to be an F. By contrast, satisfaction of the constitutive needs of personhood is *conceptually necessary* to personhood: to cease to

possess the moral powers is thereby to cease *to be* a Rawlsian person. In other words, while an organism can, at a given time, lack something that it absolutely needs, a Rawlsian person cannot lack something (i.e., one of the moral powers) that is a constitutive need of Rawlsian personhood. The constitutive needs of persons are not, however, essential properties of humans, because the moral powers are acquired, and can be a lost, by a human that endures through this. Humans need the moral powers not to be (and not as) members of their species, but to be Rawlsian persons.

A human being can at one time possess the moral powers and at another lack them; no humans have them for the entirety of their lives. Also, while these powers can be taken away, they cannot be *given*. For example, other humans can only enable, and cannot necessitate, their development in children with the capacity to develop them. Possession of the moral powers enables the full and informed exercise of those very powers under circumstances that are, or that approximate to being, ones in which those persons are recognized as, and can recognize themselves as, citizens (conceived of not merely as members of a society, but as free and equal parties to social co-operation within it).

While the absolute needs that people have as human animals are among their needs as persons and as citizens, the constitutive needs of Rawlsian personhood are defined in terms of the two moral powers alone: they therefore do not include any other absolute needs (whether biological, psychological, or social). As we move from considering biological through personhood to citizenship needs, there are necessarily greater roles for normative notions, and for relativity to social contingencies, in the determination of what is needed. Citizenship needs relating to status as free and equal parties to social co-operation only come into the picture in societies with political institutions and in which the circumstances of justice obtain. That we have constitutive needs as persons and as citizens means that important considerations of need

relate not only to our biological humanity, but to our more fragile statuses as persons and, more fragile still, as free and equal citizens.

The place of needs within Rawlsian liberalism is illustrated in the following remarks, describing the later Rawls's position:

> the social minimum is determined *not* by the difference principle […] but by a determination of people's needs that must be fulfilled for them to be normally functioning persons (adequate nutrition, potable water, basic health care, etc.) and citizens (these conditions plus opportunities for a sufficient level of education, for participating in politics, etc.). (Peffer 2015, p. 51; cf Rawls 2005, p. 166)

That which is needed, whether constitutively or not, for citizenship is so needed *regardless* of citizens' thick conceptions of the good. The satisfaction of human needs essential for 'normally functioning' personhood is a constituent of human and personal welfare. These needs, however, do not count as constitutive needs (as defined above) of personhood. The satisfaction of these human needs enables the development of, and sustains, the two moral powers but since these human needs are, while absolute needs of persons, not *among* the moral powers, they are not *constitutive* of personhood.

As we see it, solving the scope problem for the harm principle partly consists in working with a conception of harm that is neither too expansive nor too restrictive. We show later that appeal to the moral powers constitutively needed by persons provides a path towards an account of welfare for citizens relative to which a conception of harm might be carved out that adequately handles the scope problem.

As background to some of what follows, let us distinguish, broadly following Reader (2007), between moral *agents* and moral *patients*. Moral agents are needful beings that that can

engage in practical reasoning and that are apt subjects of praise and blame for their conduct. Moral *patients* are needful beings upon which moral agents can act in the sense that the agent can cause a change to the patient's intrinsic properties.

The needs of moral agents and those of the moral patients in respect of which moral agents have duties of care 'constitute objective [normative] reasons for action' (Lowe 2005, p. 173). Lowe further proposes that 'just as facts are the truth-makers of true beliefs, so needs are the goodness-makers of good actions' (Lowe 2005, p. 171). The notion of goodness for actions is (unlike that of an act's being beneficial to the agent) perhaps commonly reserved for actions that not only bring about a good, but that do so in a rightful way. Nevertheless, the kind of goodness that Lowe has in mind 'includes moral goodness as a special case' (Lowe 2005, p. 171).

On Lowe's account, instead of needs being explained in terms of goodness or of harm avoidance, goodness (of action) is explained in terms of needs. We generalize and amend Lowe's account. Instead of the notion of need being explicable in terms of a broadly axiological notion, the notion of need is partly explanatory of the notions of the good for, and of harm to, a needful being (cf. Midgley 1983, p. 89). On our account, the good of a needful being at least partly *consists* in the possession and exercise of need-meeting functions or capabilities.

Lowe (2005) is not alone in seeing the notion of need as *prior* to axiological notions. Frederick (2020, p. 116), for example, claims that an animal's having a good life depends on the existence and satisfaction of its absolute needs (cf. Grix and McKibbin 2016, pp. 297, 299, 300–301). Our point, generalizing Lowe (2005), is somewhat different: the possession and exercise of need-meeting functions or capabilities helps *explain* what it is for an organism to be doing well, or to have a good life. For non-conscious organisms, there is nothing more to a welfare than the possession and exercise of the organism's needs-meeting functions. For conscious organisms, this provides not a full theory of welfare but only an objectivist core that

might feature in a pluralist theory of welfare (not here developed) that includes subjectivist aspects. Moreover, on our account, the notion of *need* is *conceptually prior* to that of *welfare* in the following sense: to understand what is *good* for a being, one must first understand what that being *needs*. General accounts of need, harm, and welfare should arguably be neutral about two related questions: whether the death of an organism (as opposed to the manner of its death) counts as a harm to it and whether its life is (independently of its objective quality) good for it. *Life*, *death*, and *survival* are not axiological notions, and we can know what an organism needs to survive even in circumstances in which its quality of life will be very low if it does. Accordingly, a true statement of need can fully be understood without any axiological notion thereby being understood and without any norm having been understood to have been endorsed (McLeod 2014; Shaw 2023).

Let us introduce our position (inspired by Scruton 2000) on the relationships between needs, capacities to meet them, welfare, and harm using the example of the jaguar. The jaguar is an apex predator. Both sexes are solitary hunters. The satisfaction of a wild jaguar's need to eat depends on the presence of suitable prey in its habitat and on the jaguar's predation abilities: that is, the abilities, to hunt, kill, and begin consuming the meat of, various animals. While environmental factors are extrinsic, the jaguar's predation abilities have intrinsic bases in its anatomy and physiology.

Now for an interlude, before we return to the case of the jaguar, about damage. Damage, whether to non-living things or to organisms, can affect functioning or it can, as in the case of merely cosmetic damage, have no further significant intrinsic effects. The occurrence of damage is here understood to involve real change to the damaged entity. Accordingly, for an event to be one that damages a being, the being must be a party to the event in that the being is the metaphysical *subject* of real change: that is, the being must undergo a change to one or more of its intrinsic properties. In an example from Cleland (1990, pp. 278–79; following and

adapting Geach 1969, pp. 66, 71–72, 99; 1972, pp. 321–22), at t1, Carol's mother was taller than Carol. At t2, Carol's mother is shorter than Carol. While both Carol and her mother changed relationally, the real change of height was undergone by Carol, who has undergone a *process* of growth: she was a girl and has become a woman. Carol's mother, who neither grew nor shrank in height between t1 and t2, did not undergo a real change relevant to the fact that at t2 she is shorter than Carol.[7]

When deforestation brings it about that a jaguar that had relatively plentiful prey in its habitat has lesser pickings, this is detrimental to the jaguar. This form of detriment, however, involves, at the point of its occurrence, merely relational change to the jaguar. Although it is an environmental threat to the jaguar, the deforestation is not of itself a case of *damage* to the jaguar. It is a process that, while it has consequences that affect the jaguar and its behaviour, the jaguar itself does not undergo. By contrast, such events as the loss of a limb, breakage of a tooth, and the anatomical or physiological changes that come from having contracted a viral infection count as harmful damage. These events are harmful, rather than merely damaging, because they are real changes to the jaguar that negatively affect its capacities to meet its needs. That is where we pinpoint the difference between mere damage (which both living and non-living things can undergo) and harmful damage (which only organisms can undergo).

Before we proceed to the more complicated case of humans living under the circumstances of justice, let us say something (here broadly following some distinct but overlapping ideas, arrived at, we surmise, mutually independently, from Scruton 2000 and Reader 2007) about another notion that plays an important role in our discussion: *dependency*, particularly as that notion features in the morally-loaded idea of a *relationship of dependency*.

The dependency of the wild jaguar upon its environment for the meeting of its needs is a purely natural matter. It is not a form of dependency that is brought about by an agent and it does not involve what is, in the morally significant sense that we intend by the phrase, a

relationship of dependency. When humans keep jaguars in a zoo, this, by contrast, and through the exercise of human agency, renders the jaguars dependent on the humans for the meeting of the jaguars' needs. In this case, that creates a non-reciprocal relationship of dependency. While this no doubt gives pause for thought about the moral permissibility of keeping apex predators in zoos, what is important for our immediate illustrative purpose is that a situation has come about under which, in virtue of human acts and practices that have jaguars as patients, the jaguars cannot, through the exercise of their need-meeting capacities, hunt to satisfy their need to eat. So long as the jaguars are captive, this gives their human keepers a duty of care towards the jaguars, requiring the humans to ensure that the jaguars' needs for meat are satisfied. A jaguar that is kept in a zoo and that is not neglected will probably eat meat more regularly and more reliably than would have been the case in the wild. Living in a zoo tends nevertheless to be objectively worse for jaguars than is living in the wild because only in the wild can the jaguar exercise the full range of, and the most axiologically significant among, its need-meeting capacities.

In the case of humans living under the circumstances of justice, biological needs, the constitutive needs of (Rawlsian) persons, and the constitutive needs of free and equal (Rawlsian) citizens are important. Unlike our biological needs, the constitutive needs of personhood and of free and equal citizenship are essentially related to our natures as social beings; their satisfaction is distinct from, and demands more than, the satisfaction of our biological needs (cf. Rawls 2001, p. 132).

A needs-based conception of harm

We now set out a needs-based conception of harm founded on the foregoing needs-based conception of welfare. On our account, the notion of *need* grounds that of *harm*.[8] A patient, *P*, is harmed by an agent, *A*, if and only if:

(i) *A*'s conduct causes or prolongs intrinsic *damage* to *P* that prevents *P* from developing, removes, suspends, or diminishes a need-meeting power; or

(ii) *A*'s conduct causes or prolongs *environmental conditions* that interfere with the development or full exercise of *P*'s need-meeting powers, or (in the case of beings that are or that can become persons) the full and informed exercise of the moral powers.

The needs relevant to these clauses are absolute needs and the constitutive needs of personhood. Clause (i) covers the base case of harm covered earlier. This kind of harm does not arise from anything that is particular to, or especially pronounced in, the human situation. It involves a kind of *damage* that only organisms can *suffer* (in the non-phenomenological sense). As in the case of non-living individuals that, while they cannot be harmed, can be damaged (e.g., cars, golf courses, paintings), damage requires real change. Nevertheless, our account does not limit harms to an organism to cases of bodily damage.

Keeping a jaguar in captivity typically harms it because it has deleterious effects on the possession or exercise of the kinds of need-meeting capacities that the animal's wild counterparts can exercise (cf. Scruton 2000). The captive jaguar case, which falls under clause (ii), allows for environmental harms to a patient that, while not themselves cases of damage to the patient, impinge on the possession and/or full exercise of the patient's needs-meeting capacities. (Moreover, harming a patient is not the only way of *wronging* that patient: other ways of wronging patients, such as vandalising people's property, are among the reasons for rejecting SP2.)

Before applying this conception of harm to the scope problem for the harm principle, and while we do not provide a full defence of the conception, we wish to motivate it by showing

why it does not fall to some common objections to existing rival accounts of harm. Accounts of harm may be classified into three groups: comparative accounts, non-comparative accounts and hybrid accounts (Unruh 2023, p. 891).

Comparative accounts say that an event, *e*, harms a patient, *p*, if and only if *e* makes *p* worse off in some way. Temporal-comparative accounts say that *e* harms *p* if and only if *e* makes *p* worse off than *p* was before *e* happened (Folland 2022, p. 141; Unruh 2023, p. 891). Counter-factual comparative accounts say that *e* harms *p* if and only if *e* makes *p* worse off than *p* would have been if *e* had not happened (Folland 2022, p. 142; Unruh 2023, p. 891).

An objection to temporal-comparative accounts is that they cannot accommodate 'preventive harms' (Folland 2022, p. 141). Holtug (2002, p.386) considers a case where a patient's pain would have gone away were it not for the intervention of an agent whose conduct caused the pain to be prolonged. Suppose, further, that the pain interfered with the patient's ability to exercise a needs-meeting capability. The problem for the temporal-comparative account is that, at least in its standard form, it cannot accommodate the intuition that the agent's action *harmed* the patient. This is because the agent's action did not make the patient worse off than the patient was just before the action. Unruh (2023, p. 898) considers a case where an agent prevents an ambulance that was heading to a patient's aid from getting to the patient. While the needs-based conception of harm does not see all pain (even if intrinsically bad) as harmful, it accommodates such preventive harms as when an agent, by preventing an ambulance's arrival, prolongs circumstances that are detrimental to the patient's retention of, or ability to exercise, the patient's need-meeting capacities.

Counterfactual-comparative accounts also accommodate preventive harms. If the patient's being in a bad state would have ceased but for the agent's act then the agent's act is, by the lights of counterfactual-comparative accounts, one that harms the patient. Counterfactual-comparative accounts, however, have trouble accommodating the distinction between harming

a patient and failing to benefit that patient (e.g., Folland 2022, p. 143; Holtug 2002, p. 369; Unruh 2023, p. 892). In counting failures to benefit as harms, they over-generate. A further objection is that they under-generate because they cannot accommodate cases in which an agent harms a patient in circumstances in which, had that agent not done so, another agent would have done so (Folland 2022, pp. 145–46; Unruh 2023, p. 892). The needs-based conception of harm accommodates preventive harms and is not vulnerable to these objections. Benefit to a patient's objective welfare consists in enabling the patient to meet the patient's needs through the exercise of the patient's need-meeting capacities. Conduct that is objectively harmful to a patient is conduct that prevents, diminishes or constrains the patient's capacities to meet the patient's needs. That an agent does not *enable* the meeting of, or a patient's abilities to meet, a patient's needs does not of itself mean that the agent *causes* any of these ills.

Our account of harm is an atypical form of non-comparativism about harm. What makes an account of harm non-comparative is that the definiens contains no terms of temporal, counterfactual, or other comparison. On 'a common version of the non-comparative account' of harm, '*an event e harms a subject s iff e causes s to be in an intrinsically bad state*' (Folland 2022, pp. 146–47, her italics). This formulation faces the objection that some events may harm individuals without their coming to be in an intrinsically bad state:

> Imagine that an organization attacks a city's water supply system, which results in slightly poorer health for part of the city. Everyone in this part of the city is quite well off and the contaminated water does not cause anyone to be in an intrinsically bad state. But their wellbeing levels decrease. (Folland 2022, p. 147)

The needs-based account of harm that we have proposed is non-comparative, distinct from the 'common version' of non-comparativism, and does not fall to Folland's counterexample.

Our account is non-comparative because it admits that an event that does not make the patient worse off can nevertheless, as when a relevant form of damage is prolonged rather than originally inflicted by an agent, harm the patient.[9] It is distinct from the from the 'common version' of non-comparativism because the needs-based conception does not entail that all and only intrinsically bad states are harmful. Not *all* intrinsically bad states are harmful because, for example, a mild and fleeting pain, while intrinsically bad, might not interfere with the possession or exercise of need-meeting capacities. Not *only* intrinsically bad states are harmful because some states of affairs that are not of themselves changes to the patient's intrinsic properties, such as when an apex predator is held in captivity, and is thus unable (not intrinsically, but thanks to an external constraint) to exercise the full range of its need-meeting capacities, can be objectively harmful to the patient. The account does not fall to Folland's counterexample because the account sees events that are detrimental to health as thereby detrimental to objective welfare and thus objectively harmful even when there is no negative impact on subjective well-being or on wealth.

Finally, consider a 'hybrid' account of harm developed in Unruh (2023, pp. 895–96). On Unruh's account, a patient suffers harm if and only if that patient either 'suffers ill-being' (non-comparatively defined as having a welfare that is below a threshold) or has a level of well-being that is 'lower than it was before' (i.e. the patient has become, in temporal-comparative terms, worse off). Unruh argues that her hybrid account avoids the problems previously discussed. Unruh's account and the needs-based account diverge over a case that Unruh (2023, p. 894) presents as a counterexample to temporal comparativism: that of a patient with a congenital condition that is painful from birth. To improve the thought experiment, let us stipulate that the condition is not merely congenital, but genetic. On our account, an event that harms an organism is one in which there is damage (involving real change to the organism) or environmental change (which is a form of relational change to the organism) that, in each case,

negatively affects the possession or exercise of a need-meeting capacity. With this clarification in view, we ought to distinguish, in the modified Unruh case, between the *pain events* that the patient suffers, and the *genetic condition* that explains them. We propose that while pain events may constitute genuine harms to the patient when they impair the patient's capacities for need-satisfaction, the underlying genetic condition does not constitute a harm, even if it impedes the development of some such capacities in the patient. This is because harm to a patient involves real change to the patient, or change to its environment, that negatively affects the patient's possession and/or exercise of a need-meeting capacity. In recognizing this, the needs-based account can distinguish, which 'common' non-comparativism and Unruh's hybridism alike do not, between harms to a patient and other bad states (e.g., pre-existing conditions, episodes of arachnophobia) through which a patient may endure. That a patient has a medical condition is insufficient to make that condition (rather than its effects) a harm to the patient. In short, not everything that is bad is a harm, and not all maladies are (even when they cause harms) themselves harms.

Application to the scope problem

The needs-based conception of harm gives us a route back to the scope problem for the harm principle. This is the problem of demarcating what conduct counts as harm *proper* (as opposed to mere offense) via a conception that is both extensionally adequate and consistent with the harm principle's liberal credentials. Our solution consists in recognising, first, that the basic kind of harm to humans is harm to them as organisms. Events that harm humans as organisms either damage humans intrinsically or impose environmental adversity, both in ways that compromise the possession or exercise of needs-meeting capacities. For humans that are or that can become persons, events that hinder the possession, or the full and informed exercise, of the moral powers constitutively needed for personhood are also harms. A human infant does not

require these powers to *be* human; it needs to develop them to become a person, and to become, in turn, a free and equal party to social co-operation. While offensive conduct may be, like harmful conduct, bad, this does not entail that it is harmful.

To unpack this proposal further, note first that offence has an intentional object and harm does not. Offence is, while harm is not, a function of the affected party's *attitude* to another's conduct or outpourings (such as artworks). In response to the scope problem, there are two ways in which a conception of harm tends, in relation to the harm principle, to be expansive in scope: when it appeals to conduct's attitudinal effects on the patient (e.g., offence) and when it appeals to the attitudes, supposedly belonging to the agent, that the conduct expresses (e.g., bigotry).

Let *A* and *P* be distinct parties. Suppose that *A*'s action harms *P*. It does not follow that *A*'s action is the intentional object of one of *P*'s attitudes: for *P*, even if a conscious organism, might not even be aware of *A*'s action. In contrast, when *P* is offended by *A*'s action, *A*'s action *is* the object of *P*'s attitude. Moreover, when *P* is offended by *A*'s action, this is likely to be, at least in those cases that are most likely to tempt exponents of the harm principle towards expansive conceptions of harm, because of the exercise of at least one of *P*'s moral powers. When *A*'s action offends *P* then this is because *P* considers *A*'s action indecorous, heretical, unjust, wrongful, or a threat to projects accordant with *P*'s thick conception of the good. In such circumstances, *P* deems *A*'s action to have disrespected, undermined, or violated some element of *P*'s normative perspective or worldview. When *P*'s judgement about this is correct, *A* has setback *P*'s subjective interest in the preservation or advancement of *P*'s view. What *A* has not done, when *A*'s action merely offends *P,* however, is intrinsically damage, or place an external constraint upon, *P* in a way that negatively affects *P*'s capacities to meet *P*'s absolute needs. In scenarios of mere offence, the constitutive needs of personhood (i.e., the two moral powers) cannot be in jeopardy. Only persons, i.e., beings in possession of the two moral powers,

can be offended, so offence cannot prevent a human being from acquiring those powers. Moreover, an episode of mere offence cannot deprive a person of, or limit the full and informed exercise of, one of the moral powers.

Free and equal citizenship requires that each citizen should, within a well-ordered society with a just basic structure, be afforded the liberties and rights that are, within an overall scheme of basic liberties, basic (McLeod & Tanyi 2023, following Rawls 1971, 2001, 2005). For the reasons given at the beginning of this article, no right of non-offence can be part of this package. Affording any such right would be inconsistent with affording rights that are, on any authentically liberal account, basic liberties. It would also be inconsistent with pluralism about thick conceptions of the good.

There are two ways in which a party to an agent's conduct can negatively be a patient of it: by being detrimentally *causally affected* by the agent's conduct or by being *disrespected* by that conduct (whether directly, as an individual, or indirectly, in virtue of being a member of some group or subpopulation). Detrimental effects for a patient involve either real change to the patient (such as when the patient suffers an injury, or experiences an unpleasant feeling) or environmental constraints. Being disrespected, by contrast, includes some merely relational changes (such as when the patient, whether the patient knows it or not, comes to have been mocked) that involve neither damage nor environmental constraint.

Now let *O* be an observer, that may be identical with or distinct from *P,* and that evaluates *A*'s conduct towards *P*. Suppose that *O* deems *A*'s conduct to be expressive of an attitude that falls under such essentially contested concepts as being *bigoted*, *hateful*, or *heretical*. It is evidently possible that a patient might be disrespected by conduct whilst remaining causally unaffected by it. For example, laws that limit the free movement, within a state, of members of an ethnic sub-population disrespect even those who would never have had occasion, in any case, to leave their villages (cf. Arnold 2018, p. 224) and who undergo no real changes that are

because of those laws and their enforcement. Unlike when *O* describes *A*'s conduct as harmful to *P*, when *O* evaluates *A*'s conduct under a predicate of disrespect then *O* thereby attributes an attitude to *A* and expresses *O*'s own condemnation of *A*'s conduct (and attitude). By contrast, for a patient to have been *harmed* by an agent's conduct, that patient must have been negatively causally affected by the conduct. That *P* has been disrespected by *A* is not a *causal* effect of *A*'s conduct. That conduct expresses a disrespectful, even reprehensible, attitude towards *P* is not a good reason for thinking that it causes a *pro tanto* harm to *P*. This is because, although whatever is harmful to a patient is bad for a patient, *the bad* and *the harmful* are not (even when it is badness for a given patient and harm to that patient that are at issue) co-extensive.

SP1 should not be used to smuggle forms of status disrespect in as harms: to do so would be to confuse the normative with the axiological. Moreover, if conduct should face a coercive response because it expresses status disrespect, then this is a reason for rejecting SP2 of the harm principle. It is conduct's effects, and not its status as expressive of the agent's attitudes, that put the conduct into the province of SP1. Harm to a patient, however, cannot be the product of an external stimulus's having been filtered through that patient's thick conception of the good. Conflict between rival conceptions of the good is highly likely in any liberal polity. Eagerness of the state, or of civil society, to regulate conduct partly because of the attitudes that it is alleged to express is, on the other hand, inimical to liberal principles and values. In short, *A*'s real or purported attitudes towards *P* are irrelevant to the question of whether *A*'s conduct *harms P*.

Conclusion

We have sought to develop an account of how to demarcate harmful conduct. This account aspires to maintain a clear distinction between harming and violating a right (at least in intension, and arguably in extension too), to avoid construing status disrespect *per se* as a form

of harm, and to avoid the anthropocentrism that we think comes with putting political philosophy at the heart of what it is for a patient to be harmed. On our view, theoretically-informed judgements about whether conduct is harmful should allow us to make sense of harm to non-conscious organisms. According to the need-based conception of harm that we have sketched, each organism's welfare consists at least partly in the meeting of its needs via the possession, exercise, and preservation of its needs-meeting capacities. For persons, judgements about conduct that is harmful to them also rest upon considerations of their good (and indeed of their status) not merely as human organisms, but as citizens, understood as free and equal parties to social co-operation in possession of, and able to exercise in free and informed ways, the two moral powers that (following Rawls) are constitutive needs of persons.[10]

The needs-based conception of welfare that we have sketched provides a causal and non-comparative conception of harm. For a patient to have been harmed by an agent is for that agent to have engaged in conduct that prevented, stunted, diminished, removed, or impaired the patient's capacities to meet the patient's biological needs and/or the constitutive needs of personhood. The needs-based conception of harm, in addition to avoiding prominent objections to contemporary philosophical accounts of harm, provides a new solution to the scope problem. It secures the result, desirable in any liberalism worthy of the name, of excluding attitudinal reactions and attitudinal expressions from being harms or harmful under SP1 of the harm principle. Where psychological factors are at their most politically important is in respect of patients' capacities to attain, and in their abilities to exercise to a full and informed extent, the two moral powers.

Restrictions on the basic liberties that do not service an overall scheme of liberty, i.e., that trade individual liberty off against other goods, such as the protection of patients from offence or the suppression of discourse that is, or that is deemed to be, expressive of agents' hatred or bigotry, are inimical to liberalism. Free and equal citizenship requires the full and informed

exercise of the two moral powers. It is through the very exercise of these powers that citizens can find agents' conduct offensive, that reasonable disagreement is possible about norms and values extrinsic to those embodied in the basic structure of a just liberal democracy, and that citizens can disagree about when an agent's conduct, or a form of conduct, manifests a disrespectful or reprehensible attitude. Deployment of a needs-based conception of harm sustains the non-expansionist, and arguably orthodox, view that SP1 provides no route towards anything that would qualify as a *pro tanto* normative reason for coercion aimed at preventing the expression of, or at enforcing, attitudes.

Notes

[1] Our scope problem is apparently at the crux of some contemporary disputes about freedom of speech and its limits. For example, Cudd (2019) and Bell (2021) advocate rather expansive conceptions of harm; Steinhoff (2023) rails against them. The disagreement between some expansionists about harm and some of their opponents seems to involve an underlying disagreement about liberalism's consistency with contemporary identity politics.

[2] Some liberties must be considered basic within any liberalism worthy of the name. These include, when each concerns matters of a broadly moral or political nature, freedom of thought and expression (including freedom of speech), freedom of movement, and freedom of association (Rawls 1971, 2001, 2005; cf. McLeod & Tanyi 2023).

[3] We adopt the common conventions of using 'NP' as a variable that ranges over noun phrases and 'VP' as a variable that ranges over verb phrases. For simplicity, we illustrate the contrast between Type 1 and Type *2* sentences with constructions of the forms 'A needs to VP' and 'A has a need to VP' respectively. This does not exhaust the range of Type 1 and Type 2 'need' sentences: for example, some Type 1 sentences take a noun phrase as an object of the verb 'need' ('A needs NP') and nominal 'need' in Type 2 sentences can compose with prepositional phrases (e.g. 'A has a need for NP'/ 'A has need of NP').

[4] On some accounts, sentences with selection errors are meaningless or ill-formed; on others, they are (necessarily) false. If 'Fire does not have needs' is true, then it would appear to follow that any statement of the form 'Fire has a need for NP' is false. This suggests that the infelicity of sentences like (12*) has a semantic or metaphysical source.

[5] Our concern is with specific duties of care that arise within relationships of dependency. These duties differ from such general duties as, when driving, the duty to do so with due care for the interests of others; see further George P. Fletcher (1978, pp. 586–88). We say more about relationships of dependency later. On the significance of such relationships to the criminal law, see George P. Fletcher (1978, pp. 610–18).

[6] Both views are versions of what Guy Fletcher (2018, p. 171) calls 'ambitious' needs theory; they take some needs to be 'fundamental, irreducible, and morally important, in a way that has an important upshot for moral philosophy and/or moral thought' (Fletcher 2018, p. 170). In advancing a needs-based conception of welfare, we are engaged in ambitious needs theory. A full defence of our conception of welfare would reckon with Fletcher's arguments against ambitious needs theory.

[7] Cleland (1990) is a rich discussion that defends Geach's distinction between real changes and what Geach calls 'mere Cambridge' changes, where the latter are changes merely to the predicates that a thing satisfies. The article also incorporates realist views of tendencies and of natural necessity. Guerrero (2010) applies Geach's distinction in the philosophy of health.

[8] Given that there are clear instances of conduct that is harmful, and the importance of the notion of harm in everyday prudential, moral, medical, and legal thought, we are sceptical that, in the absence of a satisfactory philosophical theory of harm 'the notion should be replaced by other more well-behaved concepts' like the evidently technical 'axiological concepts of intrinsic and extrinsic badness' (Bradley 2012, p. 391, cf. 411).

[9] Prejudice to needs-meeting capacities, in its strongest form, consists in preventing the patient from acquiring them. For those, a comparative standard, relative to other patients of the same kind, comes into play. This standard, however, comes in at that level: it does not feature in the definiens of the needs-based conception's definition of harm.

[10] Our account of harm would, we think, include among the harmful acts what are called, in common-law jurisdictions, 'offences against the person'; these involve violations of the victim's bodily integrity some of which (e.g., maiming) are bodily harms and others of which (e.g., sexual assault) damage the victim's capacities, or affront the victim's status, as a human being or as a person.

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The authors report there are no competing interests to declare.

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References

Anscombe, G.E.M. (1958) Modern moral philosophy. *Philosophy*, *33*(124), 1–19.

Arnold, S. (2018) Putting liberty in its place: high liberalism without the liberalism. *European Journal of Philosophy*, *26*(1), 213–37.

Attfield, R. (1981) The good of trees. *Journal of Value Inquiry*, *15*(1), 35–54.

Barry, B. (1965) *Political argument*. Routledge & Kegan Paul.

Bell, M.C. (2021) John Stuart Mill's harm principle and free speech: expanding the notion of harm. *Utilitas*, *33*(2), 162–79.

Bradley, B. (2012) Doing away with harm. *Philosophy and Phenomenological Research*, *85*(2), 390–412.

Brock, G. (2013) Needs and distributive justice. In G.F. Gaus & F. D'Agostino (Eds), *Routledge companion to social and political philosophy* (pp. 444–55). Routledge.

Brock, G., & Reader, S. (2002) Needs-centred ethical theory. *Journal of Value Enquiry*, *36*(4), 425–34.

Brock, G., & Reader, S. (2004) Needs, moral demands and moral theory. *Utilitas*, *16*(3), 251–66.

Cleland, C.E. (1990) The difference between real change and *mere* Cambridge change. *Philosophical Studies*, *60*(3), 257–80.

Cudd, A.E. (2019) Harassment, bias, and the evolving politics of free speech on campus. *Journal of Social Philosophy*, *50*(4), 425–46.

Fletcher, George P. (1978) *Rethinking criminal law*. Little, Brown.

Fletcher, Guy (2018) Needing and necessity. In M.C. Timmons (Ed.), *Oxford Studies in Normative Ethics, volume 8* (pp. 170–92). Oxford University Press.

Folland, A. (2022) The harm principle and the nature of harm. *Utilitas*, *34*(2), 139–53.

Frankfurt, H.G. (1984) Necessity and desire. *Philosophy and Phenomenological Research*, *45*(1), 1–13.

Frederick, D. (2020) Persons and animals. In D. Frederick, *Freedom, indeterminism, and fallibilism* (pp. 109–43). Palgrave Macmillan.

Geach, P.T. (1969) *God and the soul*. Routledge & Kegan Paul.

Geach, P.T. (1972) *Logic matters*. University of California Press.

Guerrero, J.D. (2010) On a naturalist theory of health: a critique. *Studies in History and Philosophy of Biomedical Sciences*, *41*(3), 272–78.

Grix, M., & McKibbin, P. (2016) Needs and well-being. In Guy Fletcher (Ed.), *Routledge handbook of philosophy of well-being* (pp. 292–306). Routledge.

Holtug, N. (2002) The harm principle. *Ethical Theory and Moral Practice*, *5*(4), 357–89.

Husak, D.N. (1987) *Philosophy of criminal law*. Rowman & Littlefield.

Ignatieff, M. (1984) *The needs of strangers*. Chatto & Windus.

Ingram, S. (2023) Stance independence. In S. Ingram, *Robust realism in ethics: normative arbitrariness, interpersonal dialogue, and moral objectivity* (pp. 71–92). Oxford University Press.

Kant, I. (1797) *Die Metaphysik der Sitten* [The metaphysics of morals]. In M.J. Gregor (Ed. & Trans.), *Practical philosophy* (pp. 363–603). Cambridge University Press, 1996.

Lowe, E.J. (2005) Needs, facts, goodness, and truth. In S. Reader (Ed.), *The Philosophy of Needs* (pp. 161–73). Cambridge University Press.

McLeod, S.K. (2011) Knowledge of need. *International Journal of Philosophical Studies*, *19*(2), 211–30.

McLeod, S.K. (2014) Absolute biological needs. *Bioethics*, *28*(6), 293–301.

McLeod, S.K. (2015) Two philosophies of need. *Polish Journal of Philosophy*, *9*(1), 33–50.

McLeod, S.K., & Tanyi, A. (2023) The basic liberties: an essay on analytical specification. *European Journal of Political Theory*, *22*(3), 465–86.

McMurty, J. (1998) *Unequal freedoms: The global market as an ethical system*. Kumarian Press.

Midgley, M. (1983) Human ideals and human needs. *Philosophy 58*(223), 89–94.

Mill, J.S. (1859) On liberty. In J.S. Mill, *On liberty and other essays* (J.A. Gray, Ed.), Oxford University Press, 1991.

Peffer, R. (2015) Basic needs, principle of. In J. Mandle & D.A. Reidy (Eds.), *Cambridge Rawls lexicon* (pp. 50–54). Cambridge University Press.

Puls, H. (2016) Kant's justification of parental duties. *Kantian Review*, *21*(1), 53–75.

Rawls, J. (1971) *A theory of justice*. Harvard University Press.

Rawls, J. (2001) *Justice as fairness: A restatement* (E. Kelly, Ed.). Harvard University Press.

Rawls, J. (2005) *Political liberalism* (expanded ed.). Columbia University Press.

Reader, S. (2007) *Needs and moral necessity*. Routledge.

Scruton, R. (2000) *Animal rights and wrongs* (3rd ed.). Metro.

Shaw, A. (2023) The necessity of 'need'. *Ethics*, *133*(3), 329–354.

Stanton-Ife, J. (2016) What is the harm principle for? *Criminal Law and Philosophy*, *10*(2): 329–53.

Steinhoff, U. (2023) Against the harm argument for censorship: on the abuse of psychology and the dismissal of rights. *Journal of Controversial Ideas*, *3*(1), 4. http://doi.org/10.35995/jci03010004

Thomson, G. (1987) *Needs*. Routledge & Kegan Paul.

Unruh, C.F. (2023) A hybrid account of harm. *Australasian Journal of Philosophy*, *101*(4), 890–903.

Wieland, N. (2011) Parental obligation. *Utilitas*, *23*(3), 249–67.

White, A.R. (1975) *Modal thinking*. Blackwell.

Wiggins, D. (1991) Claims of need. In D. Wiggins, *Needs, values, truth* (2nd ed., pp. 1–57). Blackwell.

Wright, G.H. von (1963) *The varieties of goodness*. Routledge & Kegan Paul.