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From Human Needs to Social Rights: Reflections on the Responsibility of Government

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From Human Needs to Social Rights:
Reflections on the Responsibility of Government

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Abstract:

With economic globalisation and development come social change and new risks, albeit that change and risks may take different forms in different parts of the world. Nevertheless, human need remains, in theory at least, a timeless and fundamental constant. And yet in practice, human need is a shifting and contested concept. This paper addresses competing understandings of human need. It draws on a framework based on two distinctions: first a distinction between doctrinally-conceived or 'inherent' needs on the one hand and claims-based or 'interpreted' needs on the other; and second, a distinction between autonomistically-conceived or 'thin' needs on the one hand and solidaristically-conceived or 'thick' needs on the other. This framework, it is suggested, can accommodate both classic and contemporary philosophies and theories of human need. Competing conceptions of need translate into different understandings of rights and, therefore, conflicting expectations of government. The paper will consider, briefly, the approaches to human need pursued within different welfare states and social policy regimes around the world.

Insofar as there are elements of a global hegemonic consensus in relation to social policy, there is a tendency on the part of governments to regard state welfare dependency and individual responsibility as somehow inimical. In this context, conceptions of social rights - whether construed as human rights or rights of citizenship - are subordinated to the imperatives of economic productivity. The human individual is recognised less as a potentially vulnerable yet interdependent being, and more as an autonomous and competitive actor. Citizens are regarded not as persons with shared needs, but as risk-managing agents. The paper will make the case for a reconceptualised politics of human need through which to establish the collective responsibilities that may be exercised through government.

Key words:

risk; citizenship; human need; social rights; solidarity; government

¹ Please do not cite or quote without prior reference to the author. Thank you.
Introduction

Though globalisation is a contested term (Hirst & Thompson, 1996) it is generally acknowledged that an ineluctable process of economic development continues - however erratically and unevenly - to reach around the world and to shape the human experience, whether for good or ill (Sen, 1999). Arguably, however, globalisation is a process that has cultural and political, as well as economic, dimensions (Held, McGrew, Goldblatt, & Perraton, 1999). Globalisation has impacted in different ways in different parts of the world, depending on how its multiple influences have been embraced, (re)interpreted or resisted. The underlying concern of this paper is how, in this context, different understandings of rights have been embraced, (re)interpreted or resisted. Rights I would contend are not eternal verities, but intrinsically fluid social or ideological constructions.

Economic globalisation and development bring new social risks and I shall consider first, how competing notions of citizenship rights may be harnessed as a protection against risk. Second, I shall discuss competing concepts of human need and the way these may inform cultural practices, substantive social policies and formalised conceptions of human rights. Finally, I shall argue for a concept of social rights that are politically negotiated and which define the collective social responsibility that is vested in government.
Social Risks and Citizenship Rights

There is extensive debate within the advanced post-industrialised capitalist economies of the world about the 'new social risks' that are faced by their citizens (Bonoli, 2005; Taylor-Gooby, 2000). The concern is that economic globalisation has diminished the security of livelihoods founded on wage labour. Associated demographic transitions and social changes have disrupted the security of life course patterns once founded in familial and inter-generational dependencies. Political crisis and the ascendancy of neo-liberalism have led to a dilution of the security once guaranteed by the capitalist welfare state. In one sense the risks are not new. The security afforded to wage labourers by industrial capitalism was always tenuous. The security afforded by family and kin was always ambiguous. The security afforded by the post-second war welfare state was never unconditional. Nevertheless the inhabitants of the global North are led to believe that in today's labour market there is no such thing as a job for life (Doogan, 2009; Sennett, 1998); that the demands on our personal relationships render them increasingly unstable (U. Beck & Beck-Gernsheim, 2001; Inglehart, 1990); that universal healthcare and social protection may no longer be sustainable (Mishra, 1984; Pierson, 1996). Perceptions of and responses to life's risks are also changing. The coming of what some commentators refer to as the 'risk society' (U. Beck, 1992; Giddens, 1991; Hacker, 2008) has entailed a fundamental loss of faith in scientific expertise, economic planning and the political process; a crisis, in effect, of commitment to citizenship rights as an effective bulwark against risk.
In the global South, the social risks - of poverty, exclusion or disadvantage - that may be experienced are of an entirely different order (Pogge, 2002; Townsend & Gordon, 2002). Various degrees of security or indeed insecurity may be experienced by the peoples of the so called 'developing' world (Gough, et al., 2004). In this short paper I shall largely restrict discussion to some sketchy comparisons between the capitalist North on the one hand and East Asia (including China) on the other. My interest is in the relevance of citizenship as a concept. A controversial claim made in the past is that the welfare regimes in East Asia were characteristically Confucian (Jones, 1993). Asian values in general and Confucianism in particular prized loyalty not rights and were supposedly inimical to a European Enlightenment conception of citizenship. Systems of governance and welfare provision in East Asia were implicitly or explicitly modelled upon the ideals of the extended patriarchal family. Such claims have been contested, not only because they are oversimplified and neglect the extent to which there are Asian philosophical traditions that do, for example, emphasise the value of freedom (Sen, 1999: ch. 10); but more fundamentally because emergent welfare states in East Asian countries have been demonstrably pragmatic. Insofar as appeals have been made to Confucian values, these have been primarily post hoc attempts to secure legitimacy for social policy programmes whose underlying principles may have been informed by a variety of influences (Walker & Wong, 2005).

It should also be remarked that conceptions of citizenship - on which subsequent notions of rights have been built (Clarke, 1996) - pre-date the European Enlightenment, having their origins in the cities of ancient Greece and Rome. Citizenship then was a status reserved for an exclusive self-governing (male) elite, concerned to protect itself
against risks posed though competition with foreign peoples (Oliver & Heater, 1994). It was not until the European Enlightenment that the idea of citizenship became increasingly associated not with city governance, but with the governance of sovereign nation states. The story TH Marshall (1950) tells is one in which citizenship evolved - becoming increasingly inclusive on the one hand and extensive on the other in terms of the rights it defined - until finally it reached the zenith of its development in the capitalist world with the emergence of the modern welfare state. The citizen has been re-cast by stages as the holder of civil liberties and legal rights; of democratic freedoms and voting rights; and finally, of welfare entitlements and social rights.

The capitalist welfare state was supposed, according to Marshall, to achieve a degree of equality '… not so much between classes as between individuals within a population which is now treated for this purpose as though it was one class' (1950: 33). In Western Europe the welfare state had, in part at least, been an outcome of demands for greater social equality from the working class and the organised labour movement (Bottomore, 1992; Korpi, 1983; Saville, 1958). But the class conflict that has attended the rise of capitalism was now supposedly at an end (Fukuyama, 1992). Although the welfare state did ameliorate social inequality, it manifestly failed to abate it, especially in the case of liberal welfare regimes. Despite this, the advent of the welfare state did succeed in weakening the bonds of class. Inglehart (1990), for example, suggests the welfare state was implicated in the coming of a 'post-scarcity' or 'post-materialist' age in which - freed from fears about their everyday survival - many people became more introspective and more preoccupied with issues to do with personal or cultural identity, as opposed to class identity. And yet, though the many lived in relative comfort an 'age of
anxiety' (Pahl, 1995) descended upon the global North as growing numbers of people began to contend with chronic insecurity (e.g. Hutton, 1996). Clause Offe has summarised the risk society thesis, as it relates to the global North, in the following terms: 'we no longer live in a class society, but a risk society' (1996: 33).

It is contended that in East Asian welfare regimes the idea that state welfare provision is a right of citizenship was never widely accepted (Walker & Wong, 2005: 216; White & Goodman, 1998). Nevertheless, a quick trawl on Wikipedia is enough to reveal that most East Asian Countries have adopted constitutions that confer social rights on their citizens. Even the People's Republic of China in its 1982 constitution purported to bestow certain social rights: a right as well as a duty to work and to receive education (Articles 42 and 46); a right to rest and to retirement (Articles 43 and 44); and during old age, illness or disability the right to 'material assistance from the state and society' (Article 45). The constitution, which retains these provisions despite subsequent amendments, appears like many national constitutions to be primarily symbolic and certainly it is largely unenforceable. The 1982 Constitution reflected the fundamental shift signalled by the Chinese Communist Party Central Committee in 1981 which had declared that 'class struggle is no longer the contradictory issue in China' and that the aim was 'to build an economic oriented modernisation project by developing productivity so that the public's material life can be improved' (cited in Chan, Ngok, & Phillips, 2008: 4-5). China, clearly, had had a welfare state under Mao Zedong, albeit one not built on Western legal and democratic principles. Subsequent market liberalisation in China led to dramatic increases in poverty and inequality as state enterprises shed labour, external investment poured in and economic growth took off (Chan, et al., 2008; Li & Piachaud,
Risk has certainly become endemic. It is significant that China managed to shrug off the risk posed to its own economic growth by the global financial crisis of 2007-08. Despite the wholesale destruction of capital in the dominant economies of the global North, China's GDP continued to grow and to generate a surplus both for the corporate sector and the government: a surplus, however, that was not used effectively to mitigate the chronic daily risks faced by the nation's 800 million poorest citizens (Callinicos, 2010: 77).

To what extent has the People's Republic of China made its own symbolic leap from class society to risk society, albeit without establishing an effective form of citizenship in between? (The author has no answer and would like to hear this discussed.) To what extent can social rights of citizenship be restored or developed in different contexts around the world as a means by which social risks may be shared? (This is a question to which I shall return.)

**Human Needs and Human Rights**

Human need is a far more familiar concept than social risk. But it is no less elusive. Need is a pivotal concept in that it connects our understanding of our universal interdependency as human beings with arguments about the rights that we can assert against each other.

The long-standing debate about human need relates to whether we can define what people need in *absolute* terms, or whether human need is always socially or culturally *relative*. Subsistence farmers in drought stricken parts of sub-Saharan Africa
may need food and water if they are physically to survive, but do relatively deprived families living in inner-city public sector housing developments in the global North need mobile 'phones and washing machines simply because the vast majority of their neighbours have them? As living standards rise around the world will human needs continue to expand indefinitely? I have argued that the absolute/relative distinction conceals two underlying distinctions: one relating to the character of need and whether it is inherent to the individual or interpreted through shared experiences; the other to the extent of need and whether we are concerned with 'thin' needs and what is required for human survival, or 'thick' needs and what is required for human flourishing (Dean, 2010).

If need is assumed to inhere to the human subject, this implies an idea or theory of the person or of personhood. If the individual is regarded as a rational self-seeking utilitarian subject her needs may be understood in terms of her ultimate objective interests (Rawls, 1972). If the individual is regarded as free-willed market actor her needs may be understood in terms of her subjective preferences (Smith, 1759). If the individual is regarded as a psychological being, her needs are understood in terms of her inner drives (Maslow, 1943). If the individual is regarded as a species being her needs relate to the constitutive characteristics of her humanity (Marx, 1844). This opens up a debate about the extent to which needs should be met by the market, or the state. It also opens a door to more comprehensive theories of universal need, such as that of Doyal and Gough (1991) who argued that though such needs may be mediated by a range of culturally specific satisfiers, all human beings need two things: physical health and personal autonomy.
If, however, human need is constituted through human experience, then it can only be understood through our interpretation of social processes. Needs may be culturally constituted, through norms and expectations about the way that people should live, what they should be able to do and how they should appear (Smith, 1776). Needs or perceptions of need may be ideologically constructed in ways that perpetuate and sustain economic processes of capital accumulation (Marx, 1887). Needs may be mere illusions of affluent consumer societies (Baudrillard, 1970). In social policy terms, however, this opens the door to a pragmatic focus on the ways in which policy makers and policy analysts can respond to social norms and expectations and how they can decide which needs really matter (Bradshaw, 1972). It also raises questions about how people may be enabled to give expression to their needs (Barnes, Newman, & Sullivan, 2007; Narayan, Chambers, Shah, & Petesch, 2000) and how policy processes themselves can be implicated in shaping our understanding of human needs (Hewitt, 1993).

Turning to the metaphorical distinction between 'thin' and 'thick' accounts of need, while thin understandings are 'minimalist' and thick understandings are 'maximalist', both kinds of understanding may be important, especially if together they can create possible areas of moral agreement between people from different backgrounds and traditions (Walzer, 1994). A thin conception of need is one premised on a hedonic and utilitarian conception of human wellbeing. Wellbeing or 'happiness' is construed in individualistic terms and equated with the pursuit of pleasure and the avoidance of pain. The object of social policy by such criteria is to achieve as cost-efficiently as possible the greatest good for the greatest number (Layard, 2005). A thick conception of need is one premised on a eudaimonic, spiritual and/or organic conception of human wellbeing. Wellbeing or
fulfilment is construed in more solidaristic terms and equated with social participation, civic engagement and creative reflection. It might, incidentally be observed that Aristotle's (c. 350BC) reflections on eudaimonic wellbeing would seem to resonate in several respects with the Confucian idea of 'Jen' or Rén (see Zhang & Veenhoven, 2008); a resonance that once again belies the suggestion that Western and Eastern traditions are inherently incommensurate. The object of social policy, from this perspective on wellbeing, might arguably be to promote social justice (Craig, Burchardt, & Gordon, 2008), social quality (W. Beck, Van der Maesen, & Walker, 1997) or social value (Jordan, 2008).

It is possible to envision a taxonomy of needs-based policy approaches based around the intersection between the continuum that separates inherent and interpreted conceptions of need on the one hand and the continuum that separates thin and thick conceptions of need on the other (see Figure 1).

**Figure 1: A taxonomy of needs-based approaches**

<table>
<thead>
<tr>
<th>INHERENT NEEDS</th>
<th>THIN NEEDS</th>
<th>INTERPRETED NEEDS</th>
<th>THICK NEEDS</th>
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<tbody>
<tr>
<td><strong>needs are particular</strong></td>
<td>needs are circumstantial</td>
<td>needs are common</td>
<td>needs are universal</td>
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10
• Circumstantial needs have a moral-authoritarian connotation. These are needs that arise from everyday circumstances in a 'dog eat dog' world, in which everybody is expected to compete and survive as best they can, while abiding by the rules. State provision for meeting circumstantial need is utilitarian and coercive in that assistance may be conditional on willingness to labour or on a test of moral desert.

• Particular needs have an economistic interpretation. These are needs that are particular to the competitive economic actor. State provision for meeting particular need is likely to be precisely targeted; it will seek to promote human capital while ensuring equality or opportunity.

• Common needs have a paternalistic connotation. These are needs that are shared in common. State provision for meeting common need will rely on the perpetuation of traditional responsibilities through which the social order is constituted, including familial responsibilities, while promoting the sharing of common risk, for example, through social insurance.

• Universal needs have a humanitarian connotation. These are needs that may be held to be universal to all human beings. State provision for meeting universal need is based on the principle that every member of any society should not only be free, but have access to specific benefits, including healthcare, social security and education.

This is an analysis based on ideal types and therefore no more than a heuristic device. No individual or country, no policy maker or government will necessarily hold to any one of the conceptions of need here defined. In practice they are likely to combine conceptions that may overlap or conflict in ways that are fluid, inconsistent or un-theorised. As we
shall see these competing conceptions of human need give rise to competing approaches
to social policy. But reflecting on human needs in a global context begs the question of
whether social rights may be understood as human rights.

TH Marshall's account of social rights as rights of citizenship (see above) was
explicitly connected with the rise in the post-second world war period of the capitalist
welfare state, but it coincided with a global endorsement of social rights as universal
human rights. The Universal Declaration of Human Rights (UDHR) was adopted by the
General Assembly of the United Nations in 1948 and endorsed not only an established
'first wave' of liberally conceived civil and political rights, but a 'second wave' of
economic, social and cultural rights (Klug, 2000: xx) that included the right to social
security, to freely chosen employment, to leisure, to a decent standard of living, to
education and to participation in cultural life (a panoply of rights more usually and
conveniently fitted within the short-hand umbrella term, 'social rights'). These rights have
since been promulgated through International Covenants and regional treaties or
conventions (in the Americas, Europe and Africa)² and some, but by no means all,
individual nations - including, as we have seen, China, the world's most populous nation -
have written rights drawn from the UDHR into their national constitutions.

Social rights and responsibilities

This leads directly to a discussion of how social rights, whether understood as universal
human rights or prescribed rights of citizenship, may be reflected not only in the

² Though it is an NGO rather than a treaty-based body, there is an Asian Human Rights Commission that
seeks to promote human rights, including social rights: see www.ahrchk.net
responsibilities demanded of the human subject but also in the responsibilities exercised by national governments. In practice social rights will usually be realised though domestic policy making and social legislation at the national level. Where constitutional provision is made for social rights, there may or may not be constitutional mechanisms for monitoring or redress. Regional treaty organisations and the UN's Committee on Economic Social and Cultural Rights provide monitoring functions and, in some instances, complaints procedures, but generally speaking - if they are not provided at a national level - enforcement mechanisms are at best weak if not effectively unavailable (Dean, 2008). These are issues that ought urgently to be addressed, but that is not the focus of this particular paper. The concern here is to reflect upon just how differing conceptions of human need can be translated into different approaches to social rights and therefore different constructions of where responsibility for meeting human needs might lie.

The preceding section of this paper considered the distinction that may be drawn between inherent and interpreted conceptions of human need. These different conceptions of need articulate with different understandings of social rights. Inherent needs may be translated into systemic or doctrinal rights which may be defined, dispensed or even imposed from the top down. Interpreted needs may be translated into what might be called claims-based or strategic rights which are defined, demanded or even struggled for from the bottom up. But it must be remembered that that which is handed down today as a systemic right might once have been demanded from below as a claims-based right. Similarly, that which is demanded today as a claims-based right may be informed by an established systemic right that has been neglected or ignored. Systemic and claims-based
rights exist in a dynamic or dialectical relationship with one another. The principles that inform social insurance systems were once common customs of risk-sharing. The demands of dispossessed inhabitants of squatter settlements may be framed in terms of an abstract interpretation of human rights principles. The sociological distinction made by Habermas (1987) between system and life-world is something that captures this dimension in that it is technical and administrative systems that provide the framework on which complex societies depend, but it is within the everyday world of substantive experience that we negotiate the meaning of our lives.

We have similarly considered a distinction between thin and thick conceptions of need and these also articulate with different understandings of social rights. Thin needs may be translated into individualistic rights in the liberal tradition: the bearer of rights is an autonomous actor, who might reasonably expect to have those needs on which freedom depends conditionally or selectively protected (Berlin, 1967; Campbell, 1988). Thick needs may be translated into solidaristic rights in the republican tradition: the bearer of rights is a vulnerable subject who looks to those with whom she shares a social existence for mutual protection (Turner, 2006).

With this in mind it is possible to envision a related taxonomy to that suggested above: a taxonomy of social rights approaches. Following the so called crisis that befell the capitalist welfare state and propelled the transition to a risk society there emerged from various quarters of the ideological spectrum something of a backlash against the concept of social rights and demands across the capitalist world for a rebalancing of rights and responsibilities (Roche, 1992). With this in mind it is important to consider
how different constructions of rights articulate with competing understandings of responsibility (see Figure 2 below).

- Conditional rights may be understood as a response to circumstantial need. Certain of the rights afforded by every kind of welfare regime, including emergent economies with limited welfare provision, are conditional. This especially applies in cases where welfare-to-work or labour market activation policies have been introduced or where conditional cash transfers for poor families may depend on children's school attendance. Responsibility in this context becomes a matter of conditional obedience. The recipients of government largesse must behave as directed.

- Selective rights may be understood as a response to particular need. So called 'liberal' welfare regimes - using Esping-Andersen's (1990) definition - favour the targeting of entitlements on those with particular or demonstrable need. Responsibility in this context is a matter of civic duty in that entitlement is premised on the assumption that
citizens should have the incentive to observe what amounts to a negative duty: a duty not to be a burden on others. It is only when market systems fail to provide the necessary incentives and the observance of duty is consequently impractical or inappropriate that entitlement arises.

- Protective rights may be understood as a response to common need. So called 'conservative' or 'corporatist' welfare regimes favour rights that ensure protection through collective insurance mechanisms. Responsibility in this context is a matter of shared obligation, but citizens are assisted with the organisation of that sharing.

- Citizenship rights may be understood as a response to universal need. It might be assumed that so called 'social democratic' welfare regimes favour universal rights that satisfy universal needs, though the needs of citizens at different stages of the life course are differently construed, so that, for example, the rights of workers, dependants and children will not necessarily be the same. But responsibility in this context is a matter of social responsibility, that is to say it is through citizenship that people can give expression to the responsibilities they owe collectively to others (Titmuss, 1970). To that extent it is a responsibility shared between the people and its government.

Once again, it is important to remember that this taxonomy is a heuristic rather than a descriptive device. Welfare regimes in the real world - including East Asian welfare regimes - will inevitably combine features of some or all of these rights-based approaches; sometimes explicitly, though often implicitly. Nevertheless, the prevailing hegemonic influence in the world is one that tends to favour liberal individualist
understandings of rights (Deacon, 2007). In the bid to (re)balance rights and responsibilities there is an emphasis on conditionality and selectivity. Social rights tend to be subordinated to the imperatives of economic productivity.

There appears to be something of a consensus that regards dependency - particularly dependency on the state - as inimical to responsibility (Dean, 2004; Dean & Taylor-Gooby, 1992). Yet this consensus conceals a number of contradictions. Perversely, it is sometimes assumed that dependence on an employer for the means of subsistence and on family members for practical and affective support is a form of independence. There is more than one paradox here: first, in any human society we are ultimately mutually interdependent; second, insofar as certain kinds of dependency may prove problematic, it is surely to be welcomed that 'dependency' on state welfare provision can, in some circumstances, offer a countervailing degree of independence from labour market exploitation and abusive relationships. One of the justifications for the capitalist welfare state was that it could partially de-commodify and de-familialize citizens in order to protect them (Esping-Andersen, 1999). It is important that we recognise the human individual as an interdependent and vulnerable being in need of protection as much as an autonomous and competitive actor in need of incentives and opportunities; as a person with shared needs as much as risk-managing agent.

**Conclusion: the role of government**

In the risk society era social science has become preoccupied less with government *per se* and more with processes of governance (e.g. Rhodes, 1997) and the nature of
governmentality (Foucault, 1991). The resulting insights tell us much about the regulation of responsible conduct: the enforcement of obedience; the promotion of duty; the supervision of shared obligation. They tell us little or nothing about government as an expression of collective responsibility.

But there is another important body of recent scholarship that has been concerned not only with the distribution of resources that may be required in order to meet human needs, but also with the recognition of social differences and the diversity of human needs (Fraser & Honneth, 2003). The priority, according to Nancy Fraser (1989, 1997), is to ensure parity of participation by subaltern and systemically disadvantaged social groups in a 'politics of needs interpretation'. Then we might resolve the issue of 'translating justified needs into social rights' (Fraser, 1989: 183). My own interpretation of this argument is that a politics of needs interpretation entails an inclusive negotiation of shared responsibilities at the point where inherent and interpreted interpretations of need on the one hand and thin and thick interpretations on the other collide (Dean, 2010: ch. 9). This is how social rights can be practically framed. The responsibility of government, in my view, is to give expression to such rights. Effective social rights and security against risk may eventually become achievable as a part of some global citizenship project, but in the meantime it is at the level of national government that social rights must be fostered.
References


For social justice to truly be justice for all, disability rights need to be included. It protects people from religion-based discrimination. A person’s religion is a central part of them, and freedom from religious discrimination falls right into the lap of social justice. Many countries have laws that discourage religious freedom, while others fail to enforce protections. Emmaline Soken-Huberty is a freelance writer based in Portland, Oregon. She started to become interested in human rights while attending college, eventually getting a concentration in human rights and humanitarianism. LGBTQ+ rights, women’s rights, and climate change are of special concern to her. In her spare time, she can be found reading or enjoying Oregon’s natural beauty with her husband and dog. Articles need to have been written within two weeks of its submission date. 9. English articles only. Please do not post non-English articles. Do not use google translate for submission either; rather try to find an English version of the story by a secondary source. 10. No mobile versions. If you’re using a mobile device to post a story make sure you remove any mobile identifiers (typically .m or .mobile) from the url before submitting. 11. No blocked or redirected links. He’s not speaking of HIS rights, of course. His right to ignore human rights will be defended by every member of the GOP to their very last breath. It’s OUR human rights they don’t give a shit about.