

Meeting the Basic Welfare of Society

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The most important moment of the 2008 presidential debates was one that was little remarked upon at the time. It was in the second debate that the candidates were asked whether health care was "a privilege, a right or a responsibility." Senator McCain said it was a responsibility -- of government and business. But Sen. Obama said that it "should be a right for every American" and cited as "fundamentally wrong" his mother's experience of being denied payment for her treatments as she lay dying of cancer.

What was important about Obama's comment was not just his commitment to guaranteeing access to health care for every American but that the would-be President had framed a social good - in this case, health care - in terms of a human right.

Americans typically think of rights in terms of the traditional civil and political rights guaranteed in the U.S. Constitution: such things as freedom of speech, press and religion; racial equality; and due process. But the Universal Declaration of Human Rights (UDHR), which the U.S. voted for in 1948, has a much more robust understanding of rights, encompassing such economic and social rights as the right to education, to work, and, indeed, to health care. Article 25 of the UDHR, for example, says that "Everyone has a right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care."

This doesn't mean that governments are required to hand out free housing and medical care to everyone. The old anxiety that by recognizing social and economic rights we invite socialism is foolish. What it does mean is that government and other institutional centers of power are required to structure access to basic human needs (food, clothing, housing, work and health care) in ways that make them available to people in proportion to their capacities.

Notice the reference to "other institutional centers of power." The obligations imposed by human rights do not end at the doors of city hall, the state house or the U.S. Capitol. Corporations, for example, are also bound by human rights constraints and expectations. Indeed, any wielder of power in a society can legitimately be expected to make decisions consistent with recognized human rights standards and obligations, and that includes grant-makers, especially inasmuch

as many of them are partially subsidized by the government through various exemptions from taxation.

We would recognize this instantly if a philanthropist or foundation provided support for an organization or a cause that utilized torture or practiced racial discrimination. In such circumstances, no one would debate that the grant-maker had been complicit in human rights violations. But if that's the case with so-called "negative liberties," why not also hold grant-makers to account with regard to positive human rights obligations?

That is exactly what the National Committee for Responsive Philanthropy (NCRP), on whose board I sit, has tried to do with its Criteria for Philanthropy at Its Best, especially its recommendation that grant-makers "provide at least 50 percent of [their] grant dollars to benefit lower-income communities, communities of color and other marginalized groups, broadly defined" and at least 25 percent "to promote equity, opportunity and justice in our society."

NCRP's criteria do not tell foundations exactly how to spend their dollars. But they do recognize that the possession of power entails an obligation to meet basic human needs or, in other words, to help fulfill fundamental human rights.

Government can't do that alone. Corporations can help. But grant-makers, too, have a critical role to play.

President Obama has reframed at least one critical human need, health care, as a right and promised to see to its fulfillment. It is time now for foundations and other grant-makers as well to see their missions, diverse and complicated as they may be, in terms of meeting the basic welfare of society.

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