

Subsistence and Security Rights as Free-standing, Universal Rights and Problems We Face at the Start of the 21st Century

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As the 21st century begins we (i.e. humanity) face many of the same problems we have always faced – although some in intensified forms – as well as some new ones. However, given modern knowledge, technology, and the possibility of more rational and humane social organization these problems are potentially solvable in a way that they may not have been in the more distant past. The old problems of preventing unnecessary human suffering, as well as substantially reducing the extreme cruelty inflicted by some humans (and some societies) on others are still with us. From the perspective of contemporary theories of social justice and human rights, and the associated international human rights movement, we can describe the first as primarily the problem of meeting (and protecting) people's Subsistence Rights, and the second as the problem of protecting people's Security Rights. Together, these two kinds of rights can be labeled Basic Rights and we can (and should) recognize their fulfillment as the first (i.e. most important) principle of social justice (as I and others have argued).¹ This is not to deny that there are other important principles of social justice such as those providing for civil liberties, democracy, equality of opportunity, and the provision of minimally decent standard of living that may go considerably beyond simply assuring people's basic needs. It is only to say that our first and foremost moral duty is to support and promote social, economic, and political institutions, policies, and programs that fulfill and protect people's Basic Rights.

It is my contention that people's Basic Rights are held universally and naturally – i.e. all people have them simply by virtue of being human. They are free-standing in this sense. One important caveat, however, is that protecting and respecting people's Subsistence Rights requires, in the first instance, that people be afforded the opportunity to fulfill their Subsistence Rights (and those of their dependents) and, in the second instance, direct provision by the state or other social institutions only in those cases in which either the opportunities don't exist (due to unemployment or lack of arable land to farm) or the persons in question can not avail themselves of these opportunities due to physical and/or mental incapacity. This conception of Basic Rights – as well as other human rights – is fairly clearly the conception embodied in the United Nation's "Universal Declaration of Rights" (1948) and subsequent declarations and, in fact, of the international human rights movement in general. It is my further contention that all humans have correlative obligations (or duties) to try to assure that these rights are met, although this is almost always most efficiently done at a social level; i.e. at the level of the creation and implementation of social, economic, and

political institutions, policies, and programs. Thus, these duties should be conceived as primarily duties of social justice and the stringency of them, in most instances, requires only that people do at least their fair share to meet these duties. This is the answer, I believe, to the problem that might be called "the problem of near enumerable positive obligations" correlative to people's Subsistence Rights.²

However, this justification for recognizing and meeting people's Subsistence Rights around the world has recently been challenged by Thomas Pogge who contends that we should argue, instead, that the justification for meeting people's Subsistence Rights is the fact that they are being violated as a consequence of unjust social, economic, and political institutions and, thus, that principles and duties of social justice demand that this problem be addressed.³ This may seem like only a semantic dispute but it is not. First, in those rare cases nowadays in which people's Subsistence Rights are not being met but this is not the result of unjust social institutions – e.g. in isolated populations of hunter-gatherers or subsistence farmers – the standard view of Subsistence Rights that I am defending would still insist that these individuals have such rights and that we must take measures to meet them. If social institutions or programs necessary to accomplish this goal don't exist (because these isolated populations are not enmeshed in any such institutional arrangements) then we have a duty to create such institutions that will offer the appropriate assistance and relief to these populations. The standard view (which I am defending) would see this situation as a matter of rights as well as justice, whereas it looks as though Pogge's view would deny that there are any rights at stake that must be addressed and, thus, that it is a matter of charity, not justice, to meet these people's need for food and other basic necessities. It seems to me that this view is simply unacceptable not to mention an important regression in the view of international human rights taken by the U.N. and the international human rights movement. Secondly, although Pogge's theoretical move in this direction seems aimed at avoiding intractable normative disputes and gaining a larger consensus on these matters, this move opens up the debate to possibly even more intractable disputes – more numerous as well as more intense – over whether present institutional arrangements (at both national and international levels) are just which, in turn, will involve not only normative disputes but important (and complicated) empirical disputes as well. From this point of view it is not at all clear that Pogge's move will be more effective at gathering a larger consensus on these issues; it may well have the opposite effect.

None of this is to say, however, that Pogge's work on world poverty and human rights is not, in general, extremely valuable and full of insights and brilliant analyses and proposals. Moreover, it is not to say that we shouldn't accept Pogge's analysis of the connection between unjust social institutions – especially international economic institutions – and violations of people's Subsistence Rights or his normative claim that those who benefit from such unjust institutions or arrangements have a duty to change them. To accept all of this is perfectly

compatible with accepting the more standard view of rights I am advocating and, in fact, both strategies should be employed in our attempts to convince people to take action to reduce extreme poverty around the world. We can (and should) argue both (1) that we all ought to accept the view that all people have Basic Rights simply by virtue of being human and that everyone ought to do their fair share to make sure that they are respected and protected and (2) that we ought to accept the analysis that in the vast majority of cases people's Subsistence Rights are being violated due to unjust social arrangements and that persons benefiting from these arrangements have a duty to correct this situation. These are not contradictory claims and there is no reason whatever to reject one in favor of the other. The only point I am making against Pogge is that we ought not to reject the former claim just because we accept the latter. Employing both arguments is the wisest course of action: if someone does not find one argument convincing they may find the other convincing. On the other hand, I think that we must accept the fact that some intelligent and well-informed people – e.g. powerful economic elites that benefit from current unjust social arrangements and libertarian and neo-liberal ideologues who defend them – are simply not going to agree with either of these arguments or analyses. Such is the way of the world.

However, at least the first part of the problem I mentioned at the start of this essay – preventing unnecessary human suffering – has been intensified over the last few centuries as markets have penetrated the entire earth and destroyed many traditional modes of life which, while not normally productive of great wealth, usually sufficed to keep people basically well-nourished. Today starvation, malnutrition, under-nutrition (and the health complications of the latter two) are endemic. In an average year perhaps 10 million people directly starve to death while another 100 million die of infections that they could have survived if well nourished. Another 1.2 to 1.5 billion people live in absolute poverty, which is defined as poverty so severe that their basic needs are not met on an ongoing basis. On a planet of such abundance as ours there is no reason that anyone has to live in such conditions since it is simply untrue that there is not enough food to feed the earth's population ... although if our population growth continues unchecked this may well come to be the case at some point in the future. Neither is there any reason that quality health care and education cannot be provided to everyone on this planet. (Revolutionary Cuba, for example, has not only met all of these goals within its own country but has "exported" tens of thousands of doctors and other volunteer health care professionals to other developing societies; not to mention training thousands of doctors from other developing societies for free.)

Nevertheless, in the long run, meeting people's basic needs is intimately connected with bringing the earth's human population under control (and eventually reducing it by humane means, i.e. by attrition resulting from voluntary lower birth rates). And lower birth rates are the natural result of (A) providing people with a social security net such that they don't have to rely only on their

children for economic support in their old age or ill health and (B) providing family planning services (and contraception) as well as increasing the status (and power) of women in societies. (This is the formula for the so-called demographic transition.) And both of these problems – absolute poverty and over-population – are intimately connected with other problems which are new in human history; namely, mass over-consumption by the affluent nations (and individuals) of the world and the degradation and destruction of the natural environment which, in turn, is the result of this as well as population pressures, inappropriate choices of technologies and economic policies, and the operation of more or less unrestrained market forces. Every educated person by now is familiar with many of the environmental problems we face: global warming, the depletion of the ozone layer, air pollution, water pollution, toxic wastes, toxic chemicals in our environment and in our bodies, the destruction of the rain forests and other important natural habitats, the reduction of biodiversity, desertification, the loss of arable land, the depletion of aquifers and other fresh water resources, the depletion of fishing stocks in the oceans and elsewhere. The list goes on and on. And, I maintain, anyone who thinks that these problems are solvable without reigning in the corporate capitalist "free market" policies currently running rampant across the planet is living in a dream world.

Although the solutions to these interrelated problems are quite complex, they seem rather clear upon unfettered reflection. Eliminating absolute poverty and thus ensuring people's Subsistence Rights requires, on the one hand, that the wealthier nations and individuals of the world reduce their consumption of resources and share "their" wealth with the less wealthy which, in turn, requires a redistribution of wealth both between the North and South as well as within societies. But it also requires that social decision-making power be redistributed both within and between societies and that effective social, economic, and political institutions, policies, and programs be created to solve this problem. Thus, we should advocate that the wealthy nations provide massive amounts of capital and environmentally friendly technologies to the developing world rather than pumping economic value out of it at the 2-1 or 3-1 ratios as they do today. Besides trying to implement the New International Economic Order (as proposed by the U.N. several decades ago) two more specific policy proposals aimed at accomplishing this are (1) a Tobin Tax to reduce currency speculation (and help stabilize the value of currencies) which would require currency transactions of over a certain magnitude to be taxed at a low rate (perhaps .5%), the proceeds of several hundred billion dollars per year to go into an international development fund to be administered by the U.N. and (2) a Carbon Credit (or Carbon Rights) Scheme which would allow developing societies to barter excess greenhouse gas emission rights to industrialized nations for environmentally friendly technologies and expertise in the realms of education, transportation, agriculture, forestry, water conservation, etc.⁴

Secondly, with regard to Subsistence Rights, we should advocate that developing nations implement a policy of National Food Self-reliance aimed at

ensuring adequate nutrition to its residents (and that the industrialized nations not attempt to derail such attempts). This policy is composed of two parts: first, developing nations must make sure that they grow sufficient amounts of staple crops to feed their populations, as opposed to growing a preponderance of export crops and then trying to import food staples from abroad (at notoriously unstable rates for both their export crops and food imports, controlled disproportionately by the largest and most powerful transnational corporations based in the industrialized North). Needless to say, the implementation of such a policy is not easy for most developing nations to accomplish given the tremendous pressure of both the international capitalist system and local economic elites. But it is justified. The second component of the overall policy is to create and maintain a Food Entitlement System that – in one way or another – guarantees that people receive adequate nutrition. This can be a coupon system for food staples such as exists in Cuba or some other system. Finally, land redistribution programs that distribute much more of the arable land to small farmers and which make it possible for them to be economically successful can help to realize this goal as well as, in most cases, be beneficial for the natural environment (especially where the alternative is large farms and ranches owned by corporations or wealthy land barons).

With regard to people's Security Rights the first observation to be made is that if we were able to implement the above measures and thus ensure people's Subsistence Rights and, in fact, a decent minimal standard of living – including education – for everyone in the world, we would have gone a long way towards eliminating some of the causes of war between and within nations. Unfortunately, in a world in which stronger nations – and factions within nations – prey upon weaker nations (and factions) for economic and geo-political gains there will continue to be imperialist and other kinds of wars. And, again, I would suggest that having an economic order that is based on the continuous pursuit and expansion of economic profits is not conducive to world peace but, rather, makes it virtually impossible. Thus, I would suggest that both the aims of achieving social justice and reducing the probability of war (and violent civil strife) require us to implement a different socio-economic system than exists today: namely, a world-wide federation of democratic, self-managing market socialist societies. On the other hand, now and in the future we must tirelessly work towards eliminating institutional torture and abuse of human beings everywhere in the world. Finally, since we are not the only life forms on this planet capable of feeling pain and suffering we must also abolish human practices that subject our fellow sufficient life forms to unnecessary pain and suffering; in particular, non-essential medical (and other kinds of animal) research as well as confinement agriculture (i.e. factory farming of animals) that involves what is essentially the torture of animals.

Although I do not have the space here to address them, there are obviously other important problems we must address in the world today, including racial, ethnic, and religious discrimination and oppression; the

oppression and abuse of women (and children); gangsterism and corruption; etc. Many of these problems would be solved if the all of principles in an adequate theory of social justice could be instantiated in real world societies: Basic Rights, Maximum Equal Civil Liberties and Democracy, Fair Equality of Opportunity, and the Difference Principle (which specifies that social, economic, and political institutions, policies, and programs must be designed such that they allow the poorest parts of the population as high a standard of living as is feasible, while at the same time respecting the other principles of social justice). Getting these principles instantiated is, of course, no easy task. Moreover, some situations involving past wrongs call for the application of remedial or compensatory principles of justice: the Palestinian situation certainly comes to mind here. On the other hand, the problem of national minorities who wish to have greater autonomy or even to secede is one of the most difficult problems to try to handle even at a theoretical level. Here I will make only two remarks. First, such groups ought to be treated fairly (according to the principles of justice) and it is to be hoped that if such groups are treated fairly they would not want to secede or at least not be willing use violent means to do so. If they should still want to secede under these circumstances then it is to be hoped that a just agreement could be reached, perhaps one in which the parties who will economically benefit from the new state of affairs compensate the parties who will be disadvantaged by the secession (as in a just divorce). Second, the continuing conflicts based in part on the national, ethnic, and/or religious identities of people show that Marx and the Classical Marxists severely underestimated the power of this factor in human behavior. While economic factors are perhaps still the strongest in explaining human social behavior these other factors must be taken into account as well.

But while the world will never be a paradise we can – and must – make it a better, more humane, and more just world than it currently is. And while making a better world will not happen over night it can happen if enough of us work towards this goal.

¹ See R.G. Peffer, *Marxism, Morality, and Social Justice*, Princeton University Press, 1990; Rodney G. Peffer, "Towards a More Adequate Rawlsian Theory of Social Justice," *Pacific Philosophical Quarterly*, Vol. 75, Nos. 3 & 4, Sept.-Dec. 1994; Rodney G. Peffer, "World Hunger, Moral Theory, and Radical Rawlsianism," *International Journal of Politics and Ethics* (vol. 2, no. 4, 2003); Henry Shue, *Basic Rights* (2nd ed.), Princeton University Press, 1996; James W. Nickel, *Making Sense of Human Rights: Philosophical Reflections on the Universal Declaration of Human Rights*, University of California Press, Berkeley, 1987.

² See Rodney Peffer, "A Defense of Rights to Well-Being," *Philosophy & Public Affairs*, Vol. 8, no. 1, Fall 1978.

³ See Thomas Pogge, *World Poverty and Human Rights*, Blackwell, NY, 2002 and "Severe Poverty as a Human Rights Violation," forthcoming.

⁴ See Rodney G. Peffer, "World Justice, Carbon Credit Schemes, and Planetary Management Authorities," in *Political Ecology, Global and Local*, Roger Keil, et al., ed., Routledge, NY, 1998.