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Subsistence Rights

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Subsistence rights – rights to those things humans need to lead minimally decent lives – are often conceived of by their supporters as a basic part of the demand for global economic justice. Satisfying a person’s subsistence rights means ensuring that they securely possess enough food, shelter, clean water, medical care, and unpolluted surroundings to lead a decent life. Subsistence rights target the basic welfare of human beings rather than their flourishing. Defenders of subsistence rights regard them as universal human rights in that they do not depend on particular relationships, such as nationality, and are guaranteed equally to every human being. They may correspond to universal duties on everyone’s part to ensure, to whatever extent possible, that no person is deprived of these indispensable goods. Establishing institutions to promote global justice is generally thought of as an essential part of the realization of subsistence rights. Thus, the individual duty to meet subsistence rights could possibly be discharged were there international mechanisms and institutions to ensure that everyone has enough to meet their basic needs.

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Subsistence rights are among the most controversial rights connected to global justice issues. The main controversies focus on whether economic rights like subsistence have the same legitimacy as civil and political rights like liberty and security; on who, if anyone, is responsible for meeting and enforcing subsistence rights globally; and on whether it is feasible to meet subsistence rights.

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The growing concern with global justice in the twentieth century is reflected in several international agreements that advance a right to subsistence. Article 25 of the Universal Declaration of Human Rights (UDHR) states a right to a standard of living that ensures health, well-being, food, clothing, housing, and medical care. The International Covenant on Economic, Social and Cultural

Rights (ICESCR) commits governments to progressively realize a right to an adequate standard of living, good health, and social security and social insurance, as well as various labor rights. Some national constitutions also guarantee their own citizens’ rights to their basic needs.

The presence of national and international agreements guaranteeing subsistence rights cannot eliminate skepticism that subsistence rights are genuine. The UDHR and the ICESCR do not clearly establish mechanisms to enforce these rights or to enable rights-holders to claim them nationally or internationally. Therefore, some argue that these agreements express aspirational moral beliefs rather than genuine rights.

Satisfying subsistence rights would curtail the acute suffering and premature death of vast numbers of the world’s people who lack the basic necessities for a decent life. The World Bank estimates that almost half the world’s people live in severe poverty, on less than two dollars a day. Approximately 1.1 billion people, or one-sixth of those on earth, live in extreme poverty, measured as less than one dollar a day. Annually, approximately six million children die of hunger and 18 million people die prematurely from poverty-related causes. Virtually all extreme poverty occurs in economically undeveloped or developing nations. Globally, there are enough resources to eliminate extreme poverty. In 2000, the United Nations set Millennium Development Goals (MDGs) to cut extreme poverty in half by 2010. This target was not met.

We are familiar with the idea that it is morally good for the global rich to help the global poor for humanitarian reasons. Part of the significance of subsistence rights to debates about global justice is that, if such rights do exist, current levels of poverty are not primarily a failure of the global rich to act on duties of beneficence but a gross injustice. Thus, the global poor are entitled to relief from their poverty, and the current global situation is as much an infringement on the rights of the poor as a denial of their liberty would be.

The enlightenment model of rights found in social contract theories is a main historical foundation for human rights. The idea that every human being has a right to liberty and security has a strong foothold in the ensuing liberal political tradition that shapes modern

84 democratic societies and international human rights dis- 135
85 course. The same conceptual justifications for other 136
86 human rights also justify subsistence rights. A basic level 137
87 of physical well-being is necessary for agency and auton- 138
88 omy. Severe economic deprivation denies people their 139
89 basic dignity. 140

90 Although some reject expansion of rights to include 141
91 economic rights like subsistence, Henry Shue argues that 142
92 subsistence rights are entailed by accepting other rights. 143
93 Subsistence, security, and liberty constitute a set of basic 144
94 rights: Each must be satisfied for a person to enjoy any 145
95 right whatsoever. For example, an ill or starving person 146
96 cannot participate effectively in politics or defend them- 147
97 selves in court. Some have argued that it is not literally 148
98 impossible for a person who suffers material deprivation 149
99 to exercise their other rights. Shue's point is that rights 150
100 must be socially guaranteed and those in extreme want are 151
101 not secure in their possession of any rights. 152

102 One objection to the existence of subsistence rights is 153
103 that they are not enforced and are not currently enforce- 154
104 able, particularly internationally. If it remains impossible 155
105 for a person to remedy the failure to meet their rights, then 156
106 that right remains so useless as to be virtually meaningless. 157
107 This argument casts doubt on the universality of human 158
108 rights. In situations of widespread rights violations, like 159
109 those occurring under highly repressive regimes, it can be 160
110 impossible to enforce rights domestically or across 161
111 borders. 162

112 The debate over whether subsistence rights exist and 163
113 who is required to meet them involves a traditional dis- 164
114 tinction between negative and positive rights and duties. 165
115 Given this contrast, subsistence rights are positive rights; 166
116 to satisfy them requires assistance from duty-holders such 167
117 as national governments or the international community. 168
118 Negative rights, such as the right to liberty, can be 169
119 respected by every person – by not interfering with what 170
120 every other person has a right to do. While subsistence 171
121 rights also correspond to negative duties not to interfere 172
122 with people's ability to provide for themselves, it is often 173
123 assumed that universal guarantees of them will require 174
124 providing aid or services to some people. One libertarian 175
125 argument that subsistence rights are illegitimate is that 176
126 positive duties to satisfy them require coercive enforce- 177
127 ment that violates the right to liberty. 178

128 Shue argues that there is no real distinction between 179
129 positive and negative rights because actually securing lib- 180
130 erty, security, property, or any right whatsoever requires 181
131 extensive state action, such as a judicial system. A reply in 182
132 favor of the distinction is that positive and negative rights 183
133 differ with respect to the allocation of duties, particularly 184
134 globally. Onora O'Neill argues that, transnationally, 185

135 subsistence rights cannot clearly be allocated to specific 136
136 duty-holders. On the assumption that rights must corre- 137
137 late with duties, if person X has a genuine right to Y, then 138
138 some specific person or institution must be charged with 139
139 a duty to respect, protect, or provide Y. For a right to exist 140
140 in a particular situation, the rights-holder must be able to 141
141 claim it from a person or institution that possesses 142
142 a perfect (exceptionless) duty to satisfy it. We can easily 143
143 identify who has violated a person's right to liberty and 144
144 bodily integrity, when they have been sequestered and 145
145 tortured. In contrast, there is no one to hold directly 146
146 accountable when someone lacks for food, shelter, or 147
147 medical care. O'Neill concludes that, until there are iden- 148
148 tifiable international agents or institutions that can pro- 149
149 vide people with what they need for subsistence, they do 150
150 not have a right to it globally. Their deprivation may be 151
151 otherwise unjust, but this is not due to a failure to respect 152
152 existing subsistence rights. 153

153 A response to this view is that it may not be possible to 154
154 immediately identify violators of negative rights. For 155
155 example, direct perpetrators of unjust imprisonment or 156
156 torture may not be the primary perpetrators of rights 157
157 violations when they are acting at the behest of political 158
158 figures in distant, more powerful states. Rights violations 159
159 of any type can require systemic political redress rather 160
160 than identification of direct perpetrators. Elizabeth 161
161 Ashford argues that negative rights would be no less vio- 162
162 lated if they involved complex causal chains with many 163
163 agents that result in multiplicative harms. She argues that 164
164 every affluent agent has as-yet-unspecified imperfect 165
165 global duties to do their share to reform and create just 166
166 institutional structures to address the multiplicative 167
167 harms of poverty. The poor can claim subsistence rights 168
168 from those in a position to press for these changes. 169

169 Thomas Pogge rejects this view and argues that global 170
170 justice with respect to global poverty can be conceived of 171
171 as a requirement on the part of wealthy nations to rectify 172
172 the harms caused by their longstanding injustices toward 173
173 poorer nations. Thus, the injustice of global poverty is not 174
174 a failure to meet positive rights to subsistence but a failure 175
175 to respect the negative rights of the global poor by depriv- 176
176 ing them of subsistence. The extreme unfairness of the 177
177 global economic order and the institutions that support it 178
178 produce severe poverty and its consequent harms. The 179
179 longstanding inability of the poor to meet their own 180
180 basic needs was never the result of natural circumstances 181
181 but arose historically through economic and political 182
182 arrangements designed to favor the elites of poor coun- 183
183 tries and the governments, corporations, and citizens of 184
184 affluent countries. Those who create, support, and benefit 185
185 from such arrangements are morally responsible for 185

186 causing global poverty and required to alter these arrange-
187 ments to alleviate it.

188 The question whether it is feasible to meet subsistence
189 rights or to rectify past harms, as in Pogge's view, is not
190 only economic but political and moral. For example, sat-
191 isfying an imperfect positive duty to secure subsistence for
192 every person would require substantial resources from
193 wealthier nations as well as reform within underdeveloped
194 and developing countries. Proposals such as the Tobin Tax
195 on international capital transactions or the Global
196 Resource Dividend could raise large amounts to meet
197 subsistence rights but do not have substantial political
198 support in wealthy countries. More modest goals such as
199 meeting the MDGs would require approximately 0.7% of
200 the Gross Domestic Product of developed countries, but
201 some countries have not paid. Satisfying the negative duty
202 not to deprive the poor of subsistence likely involves debt
203 forgiveness for developing countries, major reforms
204 of international institutions such as the World Trade
205 Organization (WTO), and alterations in the policies of
206 multinational corporations and wealthy nations. Such
207 reforms could be progressive but require greater political
208 will on the part of the citizens in wealthy democracies and
209 substantial empowerment for the global poor.

210 Assuming subsistence rights are feasible and legiti-
211 mate, their satisfaction would be an essential step in full
212 global economic justice. While arguments for these rights
213 do not directly address the many questions surrounding
214 what global justice requires in the way of economic redis-
215 tribution, successfully meeting these rights doubtless
216 involves some redistributive mechanism.

217 **Related Topics**

- 218 ▶ Absolute Poverty
- 219 ▶ Access to Essential Medicines
- 220 ▶ Agency, Individual
- 221 ▶ Autonomy
- 222 ▶ Basic Rights
- 223 ▶ Cosmopolitan Justice

- ▶ Development as Freedom 224
- ▶ Duties of Assistance 225
- ▶ Duties to Distant Needy 226
- ▶ Duties, Perfect and Imperfect 227
- ▶ Duties, Positive and Negative 228
- ▶ Economic Rights 229
- ▶ Foreign Aid 230
- ▶ Global Basic Structure 231
- ▶ Global Distributive Justice 232
- ▶ Libertarianism 233
- ▶ Negative Rights 234
- ▶ Poverty 235
- ▶ Shue, Henry 236
- ▶ Special Rights 237
- ▶ Tobin Tax 238
- ▶ United Nations Millennium Development Goals 239
- ▶ Universal Declaration of Human Rights 240
- ▶ World Trade Organization 241

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