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Conceptualizing the Human Right to Food in the Food Sovereignty Framework

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Abstract

In this paper, I draw from the theory of human rights articulated by Tomas Pogge. Theorizing in the larger context of global poverty and inequality, Pogge makes an important distinction between positive and negative rights, and the duties that arise from them. More specifically, Pogge argues we should consider human rights in a way that transcends the conventional debate between positive and negative rights and duties. Rather than contextualizing access to food as a failure on the part of affluent countries to provide a framework for securing the right to food, affluent countries (and their citizens) should recognize how we are actively exacerbating global hunger and malnutrition. Accepting this premise, implicates all of us who are complicit in creating and perpetuating any institutional order that denies global farmers the freedom from poverty, hunger and malnutrition. Perhaps more importantly this framework avoids some of the ethical conundrums associated with positive rights, namely, from whom (governments, charities, multilaterals, etc.) do the global poor, hungry, and malnourished demand the right to food. This paper argues for a more minimal sense of duty on the part of affluent countries. Instead we focus on our negative duty to not impose upon global farmers institutions and social structures that deny them the *freedom to chose* how they wish to organize their own local communities' efforts to achieve food self-sufficiency.

Introduction

The motivation behind this paper comes from my experience teaching Introduction to Ethics and my senior seminar "Religion and Food" courses, both which dealt with issues associated with global poverty, hunger and malnutrition as they relate to the global food system. In particular, three things have struck me as particularly alarming. First, my students have a vague sense of their fortunate socioeconomic circumstances, but are utterly unaware of how severe a problem is global poverty. Second and, not surprisingly, they also lack a general awareness of the number of people who go starving and malnourished each year. Finally, and perhaps what is most alarming is once they do acquire an awareness of our radical global socioeconomic inequalities, many – while usually disturbed and thus sympathetic with efforts to curb poverty and hunger – are still not convinced that we have a "human right" to food. I suspect much of this can be attributed to persistent ignorance, but through countless discussions I have found it also may be tied to some potentially detrimental conceptual areas of grayness in why food should be considered a human right. Given that this is at the core of food sovereignty's (FS in the rest of the paper) mission as well as its understanding of community and culture, this paper contributes to the cause by offering a justification of human rights as they are understood in the FS framework.¹ Establishing a justification for human rights also provides some conceptual clarity to the relationship between human rights, culture, community, and self-determination all of which are important features of the FS framework.

Philosophical Arguments for Why We Cannot or Should Not Do More

Today we live in a world of radical socioeconomic inequality. According to World Bank estimates in 2004, 1.3 billion people live off of less than \$1.25 a day. On top of this, another 1 billion people live off of less than \$2.00 a day. Furthermore 1.1 billion people lack access to safe water, 2.6 billion lack access to basic sanitation, 1 billion to adequate shelter, 1.6 billion lack electricity and 2 billion lack access to essential drugs (Pogge 2002; 2). We can compare this to consumption patterns in affluent countries. For instance, the average consumption expenditure for people in high-income countries is 30 times greater than that of the global poor.

This massive state of global inequality should also be understood in the context of the asymmetrical distribution of global resources. As the United Nations 1998 Human Development report highlighted:

Inequalities in consumption are stark. Globally, the 20% of the world's people in the highest-income countries account for 86% of total private consumption expenditures-the poorest 20% a minuscule 1.3%. More specifically, the richest fifth consume 45% of all meat and fish, while the poorest fifth 5%. The richest fifth consume 58% of total energy, the poorest fifth less than 4%. The richest fifth have 74% of all telephone lines, the poorest fifth 1.5%. The richest fifth consume 84% of all paper, the poorest fifth 1.1%. Finally, the richest fifth own 87% of the world's vehicle fleet, the poorest fifth less than 1%. (HDR 1998).

With respect to global hunger and malnutrition, even the optimistic 2012 State of Food Insecurity in the World highlights that between 2010 and 2012 we still have 870 billion people who go hungry or undernourished each year (FAO 2012). Global inequality in food consumption is further exhibited by the paradoxical fact that we now have an equal amount of people who are over weight, with estimates of up to1 billion (Patel 2007). These numbers all occur within a changing global food system that is increasingly consolidated into the hands of a few agribusiness, oriented toward large-scale homogenized farming that is chemical and capital intensive, and has caused volatile food prices that are particularly harmful to the poor (Magdoff

¹ I realize food sovereignty serves as an umbrella concept and movement for many global food and agricultural rights movements, but the argument contained in this paper attempts to assert and justify the human right to food and by extension to community, culture, and self-definition.

and Tokar 2010).²

It is in this context that philosophers and ethicists have asked the general question: Do we have a moral obligation to help the global poor.³ Moreover, as hunger and malnutrition are directly related to poverty, do people have a human right to food? If we answer in the affirmative, what exactly is the philosophical justification for the right to food? This brings us into a discussion on human rights and how they are to be conceived? Before returning to questions related to the human right to food, it is necessary to detail some of the pressing arguments surrounding our moral obligations to the global poor.

Drawing off of Albert Hirschman's typology Pogge highlights four standard arguments for ignoring world poverty (Pogge 2008).⁴ First, according to the "futility thesis," critics assert that "throwing money at the problem" is a futile if not exacerbating solution. Unfortunately, humanitarian efforts to curb disease, hunger, poverty and so forth, often come up miserably short, and at worst, exacerbate these problems (Hancock 1989). Relating to food, for instance, if foreign donations depress incentives for production then we should direct aid elsewhere. Critics rightfully ask whether foreign aid has really caused more harm than good. However, as Pogge notes we should recognize that much if not most official development assistance (ODA) goes to countries that will reciprocate, namely, the aid goes to political elites in these developing countries. As such, we cannot overlook how certain policies historically have proved harmful to developing countries (Bello 1999). For instance, the well-known problem of dumping cheap food into countries has been particularly harmful for small-scale farmers worldwide (Giménez and Patel 1999; 24-25).

Second, arguments often focus on the notion that world poverty and hunger is so massive that affluent societies could not possibly bear the costs of eradicating it completely. One of the ethical arguments associated with this line of reasoning contends that if we, well-off global citizens really tried to alleviate global poverty, this would require a revolutionary change in the status quo. Or, in philosophical terms, we would have an "overload" of duties to help the poor. Our obligations to the poor would be so great that we are left helpless to find solutions or the means by which to eradicate poverty. As Alan Gewirth explains, "How can the resident of

² See especially their overview in chapter 1. See also for instance William Heffernan and Douglas Constance,

[&]quot;Transnational Corporations and the Globalization of Agriculture and Food" in *From Columbus to Con Agra:The Globalization of Agriculture and Food*, eds Alessandro Bonano et. al. (Lawrence, KS: University of Kansas press, 1994) pp. 29-51.

³ For an analysis that focuses on the concept of responsibility rather than obligation see, Iris Marion Young "Responsibility and Global Labor Justice" in *The Journal of Political Philosophy*: volume, 12, number 4, 2004. pp. 365-388.

⁴ All four positions come from *Pogge's World Poverty and Human Rights*.

Chicago help fulfill the pressing agency needs that the resident of Bosnia or Afghanistan or Somalia or Ecuador cannot fulfill for themselves or by their own efforts" (Gewirth 1996; 55)?⁵ Even if the responsibilities to radically change global economic inequality were placed in the hands of affluent governments, would this radically diminish our standard of living, perhaps to the point where we too become impoverished? If so, on what moral grounds are we to justify this reversal of economic fortune?

This leads to a third, somewhat related argument. In the 1970s Garret Hardin articulated the infamous notion of 'lifeboat ethics." Metaphorically speaking, we might see each rich nation as a lifeboat out at sea, and in the water swim the world's poor. Knowing the limited capacity of the lifeboat, we are forced to make the decision whether, and who, we will allow aboard the lifeboat. For Hardin the answer is simple: we do not let anyone in the boat (even if we have some room) because this would risk drowning us all. To the "guilt ridden" passengers who argue we should try to save as many people as possible, Hardin answers: "Get out and yield your place to someone if you wish. The saved passenger will not feel guilty about his good fortune" Hardin 1974). While it may sound harsh, refusing to help the global poor will ultimately serve as a crude form of population control, a much-needed condition that we face given rising populations and limited natural resources. We should note how this position differs from the second argument aforementioned. The notion that we would have an overload of duties if we were to radically alter the global economic and power structure is not necessarily ethical in nature. Argument two simply states that we are at somewhat of a loss as to how to strategically deal with the enormity of global poverty.⁶ Hardin on the other hand, argues that we have an ethical obligation to save ourselves rather than those drowning at sea.

Finally, and perhaps more common than we would like to admit, is the position that we are making progress and thus nothing much should be done. Progress in economic development, technology, health care, and so forth will eventually eliminate poverty and hunger. As we know, this is not the case. The statistics highlighted above suffice as evidence that we are not making the progress we should (FAO 2012).⁷ While these examples may seem tangentially related to FS, they provide helpful theoretical arguments pertaining to how we conceptualize global poverty, hunger and malnutrition, and the potential obstacles we face in justifying our moral obligation to the global poor. I will not offer detailed responses to each of these four positions presently, but will tackle all four when discussing Pogge's ethical argument later in the paper.

⁵ See also Peter Singer's well-know piece "Famine, Affluence, and Morality," for a ethical response to this belief. "Famine, Affluence, and Morality *Philosophy and Public Affairs* 1, no. 3 (Spring 1972), 229-243).

 ⁶ I use *necessarily* because positive rights ethicists must address this issue. I only bring the issue to light here.
⁷ For a slightly more optimistic analysis of our efforts and associated problems see Jeffrey Sachs' *The End of*

Poverty: Economic Possibilities for Our Time (New York, NY: Penguin Books, 2005).

One final ethical position deserves mention. There are many individuals and organizations that recognize the massive socioeconomic inequalities and state of food insecurity in the world today. A simple look at the World Bank's mission statement, for instance, highlights two ambitious goals: "ending extreme poverty within a generation and boosting shared prosperity" (World Bank, n.d.). The International Monetary Fund (IMF) asserts that it "works to foster global growth and economic stability" and provides "policy advice and financing to members in economic difficulties and also works with developing nations to help them achieve macroeconomic stability and reduce poverty" (IMF, n.d.) Or, if we look at transnational agribusinesses like Monsanto we find that in its ostensible mission to help fight global hunger, it is committed to "empowering farmers-large and small-to produce more from their land while conserving more of our world's natural resources such as water and energy" (Monsanto, n.d.). While the list could continue, the fact that governments, multilateral organizations, NGOs, and corporations recognize the persistence of global poverty and hunger, they still couch mission statements in terms of failing to prevent millions of deaths each year. However, this is simply a failure and not an admission that perhaps affluent countries actively harming the global poor. Underlying these ethical arguments against helping the global poor in general, and the hungry and malnourished in particular, is the tacit assumption that we do not have to protect rights to basic necessities. In the following section, I will introduce the call for the human right to food as it is expressed in the interconnected concepts of the right to food, food security, and FS. In articulating the call for food as a human right, I will provide one potentially fruitful philosophical justification for the concept of human rights.

Contrasting Concepts: The Right to Food, Food Security and Food Sovereignty

The Right to Food

Windfhur and Jonsén have provided a helpful distinction between the concepts of the right to food, food security and FS (Windfhur and Jonsén 2005).⁸ Of the three concepts, the right to food is the oldest, finding its first expressions in the United Nations Declaration of Human Rights in 1948 (UDHR 1948). As a human right, individuals can demand the state to fulfill its obligation to provide sufficient and safe food. The state or the state's communities must respect, protect, and fulfill the right to food by *actively* (my emphasis) pursuing policies that guarantee food security.

⁸ For a more detailed description of the evolution of the term see Wittman, Desmarais and Wiebe, "The Origins & Potential of Food Sovereignty" and Patel, "What Does Food Sovereignty Look Like" in *Food Sovereignty: Reconnecting Food, Nature and Community*, eds Hanna Wittman, Annette Desmarais, and Nettie Wiebe (Halifax & Winnipeg: Fernwood Publishing, 2010). See also William Schanbacher *The Politics of Food: The Global Conflict between Food Security and Food Sovereignty* (Santa Barbara, CA: Praeger, 2010).

General Comment 12 of the UN's Committee on Economic and Cultural Rights moves further by recognizing that the "roots of the problem of hunger and malnutrition are not lack of food but lack of access to available food" (point 5) adding the important notion of "access" to the definition of the right to food. The document further asserts that the right to "adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients" (point 6). And, finally, strategies for obtaining the right to food need to include "cultural or consumer acceptability," thus needing to "take into account, as far as possible, perceived non nutrient-based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies" (point 11; UNESC 1999). General Comment 12 builds upon the right to food by providing more substance to the definition of food, including an implicit understanding of the cultural importance to food.

Food Security

Food security differs from the right to food in the sense that it expresses more of a goal than a plan of action for achieving food security. Food security has been defined by the 1996 World Food Summit as "existing when all people at all times have access to sufficient, safe, nutritious food to maintain a healthy and active life" (WHO, n.d). The concept of food security, while well-intended, does not specify what sort of economic system nor a specific policy plan in which to achieve food security, nor does it clearly state how particular foods relate to a "healthy and active life." Additionally, the concept of food security has several differences than the right to food. As Windfhur, and Jonsén note, even though it states a desired goal, there is no legally binding mechanism through which a country's malnourished can demand the state to provide sufficient food. Second, there is a bias towards global, regional or national food security "rather than individual access to food by deprived persons or group" (Windfhur, and Jonsén, 2005; 22). Third, "the use of the term food security in many documents misses a crucial element of the right to food. Not only is it important to focus attention on the amount of food people are able to access, but how people access this food." (Windfhur, and Jonsén, 2005; 22-23). Fourth, the term food security fails to adequately set clear parameters for the implementation of particular policies. And, relatedly, many food policy documents (e.g. the 1996 World Food Summit Plan of Action) contain conflicting language, thus closing the widow for productive policy discussion.

Food Sovereignty

FS provides an illuminating contrast to our current global food and agriculture system. FS, one of the world's largest and fastest growing grassroots social justice movements, is effectively challenging the food security paradigm, and specifically the economic system that supports it (Desmarais, 2007). As defined by the *Via Campesina*:

Food sovereignty is the right of peoples to healthy and culturally appropriate food produced through sustainable methods and their right to define their own food and agriculture systems. It develops a model of small-scale sustainable production benefiting communities and their environment. It puts the aspirations, needs and livelihoods of those who produce, distribute and consume food at the heart of food systems and policies rather than the demands of markets and corporations (*Via Campesina*, n.d.).

Looking at how FS defines and understands food reveals some interesting contrasts to the concept of food security as well as the idea of the human right to food. Broadly speaking, FS has parallel goals with food security in the sense that one of its fundamental aspirations is to provide the hungry with food. However, once we move beyond this simple goal, we start to see potential conflicts with respect to the implementation of specific policies. FS provides a more substantive definition of the conditions in which food is produced and for whom it is intended, namely, local communities. The *Via Campesina*'s, many global groups are concerned with the liberalization of global trade in agriculture (Rosset 2006); intellectual property and genetically modified organisms; the survival of family farms; sustainable alternatives to industrial agriculture; and agrarian reform and the human right of peasants and peasant activists (Rosset et. al., 2006). Broadly speaking, what is at stake for FS communities is putting the production of food back into the hands of rural, small-scale, peasant, and family farmers.

Eric Holt-Giménez's work with the *Campesino a Campesino* Movement (Farmer to Farmer Movement) provides one of many examples of what food sovereignty looks like in practice. In complete contrast to large-scale, corporate-driven agricultural production, MCAC focuses on local and regional farmers and farming techniques that generate knowledge, build communities, and educate farmers. Rather than rely on foreign, professionals – whether "agriculture experts or aid groups – MCAC stresses what Giménez calls a "campesino pedagogy" in which farming experiences and practices are dissimilated with other local farmers in a way that reflects a "deeper culturally embedded exchange in which knowledge is generated and shared" (Holt-Giménez 2006; 78). In this people-centered approach farmers gather together in farmer-organized workshops, *enquentros* (gatherings) and *intercambios* (exchanges) that are punctuated by "songs, stories, jokes, poems, sayings and games" and most importantly, food. It is in these events that "strong friendships are established that over time weave dense networks of reciprocity and solidarity" (Holt-Giménez 2006; 89[°]).

As the MCAC developed in the 1960s:

"The sharing of cultural wisdom produced a set of general normative principle that suggest that MCAC's technologies and methods are deeply rooted in meaning. Codified as a simple stick figure, MCAC is said to 'work' with two hands: one for production of food and the other for protection of the environment. The Movement 'walks' on the two legs of innovation and solidarity. In its 'heart' it believes in love of nature, family and community, and it 'sees' with a vision of campesino-led sustainable agri-cultural development." This is radically different vision for farming and farmers. In contrast to our current system that privileges large-scale, unsustainable, and capital and chemical intensive techniques, MCAC's approach re-envisions the future of farming that asserts the lives of those who produce the food we, but they often, do not get to enjoy in abundance (Holt-Giménez, 2006; 104)."

As just one example of what food sovereignty looks like on the ground, MCAC illustrates a paradigm shift in which identity and power relations are radically shifted. Community and individual identities are formed by the communities themselves, rather than imposed from without. Self-determination, as opposed to dependency, is a key feature of MCAC.

Drawing a distinction between the right to food, food security and FS has important implications for how to navigate the existing and potential internal conflicts with different expressions of FS (Rosset et. al, 2006; Holt-Giménez, 2011; Windfhur and Jonsén 2005). It is natural to expect we will find fragmentation, dissent, and conflict in such a diverse global movement, but we might question why is this the case? The following section will examine some of the conceptual problems that are both explicit and implicit in the FS framework. Focusing on the larger context of global poverty – the umbrella under which FS does most of its work – will highlight certain ethical dilemmas related to FS's demand for the human right to food.

While it may seem elementary, it is necessary to establish the fact we live in a world of radical inequality and thus have a moral obligation to the global poor. Moreover, our moral obligation to the world's poor in general, and FS communities in particular, is rooted in the fact that we, affluent people of industrialized nations are actively causing globally poverty, hunger and malnutrition. A justification of the right to food will also introduce problems associated with FS's demand that this right also include a right to culturally appropriate food.

Food Sovereignty and the Language of Rights and Culture

Desmarais and Wittman argue persuasively that FS has a nuanced understanding of the right to food. FS conceives of rights as collective and decentralized "with implementation depending not just on states, but also on communities, peoples, and international bodies" (Desmarais and

Wittman 2013; 3). This introduces an important conceptual project for FS, namely to clarify exactly what it means to have a right to food? Three initial questions come to mind: Can we establish the source for human rights? Is the human right to food related to the cultivation of community cultures? And, finally, what class of rights are we discussing when we talk about human rights? Bringing conceptual clarity to these issues will prove beneficial to the FS framework.

Drawing of the theorist Hannah Arendt, Raj Patel has carved inroads into this theoretical deficiency apparent in FS movements (Patel, 2010; 191-193). Patel recognizes that the concept of rights may prove problematic for FS because both implicit and explicit in this demand is the claim that the state (or sovereign) is ultimately responsible for guaranteeing right to food. Moreover, a more rigorous interrogation of the notion of rights reveals that they may not exist. We cannot simply pull them out of thin air. They are a human creation that, moreover, requires individuals, groups or nations to provide and protect them. Drawing off of Arendt and Benhabib, Patel suggests we need to begin the idea of 'the right to rights.' Once we have established this we can then assert some sort of system of rights, and human rights in particular. The following section introduces problems associated with the human right to food as it relates to the cultural significance of food.

Food Sovereignty and the Language of Culture

I have argued elsewhere that one of the potential problems FS faces with respect to the human right to food is how to defend the concept of human rights against the problem of cultural relativism (Schanbacher 2010; 79-84). While there are different iterations of cultural relativism the general idea is that if we look at the values, traditions, customs, etc. of different cultures across different time periods we realize we cannot find any one value, tradition, custom, etc. that unifies all cultures at all times. Relativists argue that this is simply a matter of fact, or an anthropologically descriptive truth. The stakes are raised even higher when we attempt to find a universal moral code or normative mode of behavior that applies to all cultures across time. The fear for non-relativists, or those advocating for human rights is we are left foundationless in justifying why we should treat each other humanely, not to kill or torture, to be honest, etc. if there is not some underlying, unifying principle that can justify human rights. The relativist-universalist debate came to the fore when cultural anthropologists argued that certain cultures would not find the United Nations Declaration of Human Rights persuasive. The concern was the particularly 'Western' concept of human rights and the underlying values that shaped them. Ultimately the fear was the Declaration was another form of imperialistic ethnocentricism

(Rentlen 1988).⁹ In particular, the debate between Western and "asian values" brought the discussion in to strong relief (Bauer and Bell 1999).

FS organizations across the world have strived to unite their various local struggles and one of the central theoretical grounds for doing so is the demand for the right to food. However, philosophers and political theorists have identified problems with differentiating between individual and group human rights (Donnelly 2003; Jones 1999). This is of particular importance for food sovereignty groups and can be highlighted, for instance, by peasant rights groups that are vying for recognition in UN charters or conventions (Desmarais 2007; 9). Advocates for group rights contend that membership and participation in social networks is necessary for a life of dignity (Donnelly 2003). Moreover, asserting group rights serves to protect minority (whether by race, gender, sexuality, religion, etc.) communities from oppressive majority rule or potential state-sponsored discriminatory policies.

Problems between individual and groups rights also brings into relief issues related to cultural rights. Given FS's push to recognize not only the human right to food, but also the right to culturally significant food, conceptual clarification is imperative. Cultural rights are affiliated with the protection of communal ways of life, with the understanding that our local communities – with their various organizations, beliefs, customs, etc. – are essential for human development. Membership in a community or social group, again, is foundational for living a life of dignity. Advocates for cultural rights also argue that the protection and preservation of our multicultural world makes for a better, more tolerant world. However, critics contend that cultural rights, or more accurately, a "right to cultural identity" may be redundant and thus risk the dangers associated with the "proliferation of human rights." If our list of human rights expands indefinitely we risk devaluing the very idea of human rights, and thus weakening all other human rights (Donnelly 2003, especially chapter 12).

While the working definition of FS (e.g. *Via Campesina's* definition above) does not have an explicit call for a human right to cultural identity, it is implicit in the idea that FS groups are struggling for spaces for self-determination. Fortunately, documents such as the International Covenant on Civil and Political Rights already contain this language (Article 1.1). In my mind, the struggle for communal self-determination is a feature of FS movements that deserves decisive attention. By focusing on the need for self-determination, FS groups can avoid the

⁹ See also Burns H. Weston, "The Universality of Human Rights in a Multicultured World in *Human Rights in the World Community: Issues and Action* 3rd ed., eds Richard Pierre Clause and Burns H. Weston (Philadelphia: University of Pennsylvania Press, 2006); Joanne R. Bruer and Daniel A. Bell eds., *The East Asian Challenge for Human Rights* (Cambridge: Cambridge University Press, 1999). For a good argument detailing a challenge to cultural relativists, see Mary Midgley's "Trying Out One's New Sword" in Heart and Mind: The Varieties of Moral Experience (London : Methuen : Taylor & Francis, 2003).

perils of cultural relativism. Namely, no one particular FS community is arguing that their particular model or culture is absolute, rather communities need discursive spaces to determine what kinds of food they want to produce, how land is distributed, and so forth. Of course, ideas such as local access to and control of production; sustainability; and less chemically and capital-intensive forms of production are arguably common themes that unite FS movements. In my defense of our moral obligation to the world's poor presented below, I argue that applying a concept of moral duty that is limited to our negative duties to the poor engages well with FSs' struggles for self-determination.

Global Poverty, Food Sovereignty and Negative Duties

Before presenting an argument in defense of human rights it is important to highlight the distinction between negative and positive rights and their correlating duties.¹⁰ This distinction applies to the broad concept of "rights" (whether we are talking about cultural, political, or human rights) and is an important starting point for FSs' articulation of the culturally conditioned human right to food. For any given claim or demand for a right we recognize there are three important parties involved. There is the individual or community that is making the claim, the right or object of the right that the individual or community is demanding (e.g. the right to produce one's food for local consumption) and finally the respondent or individual, group or organization (e.g. government, multinational corporation, etc.) that is responsible for protecting or providing the right. Negative rights are usually referred to as rights of noninterference, namely, avoiding doing something that is harmful to an individual or group. An example of a negative right would be the right to not have bodily harm inflicted upon us; for instance, we have a righty to not be tortured by officials of a tyrannical government. Or, we have a right not to be enslaved (which also entails fair remuneration for our labor). Alternatively, a positive right is a right in which the claimant makes a demand on a certain individual or organization that requires the individual or organization to actively assist in providing the right. Examples of this might include the right to education, adequate health care, and food for those who do not have access to it. In other words, governments must provide certain entitlements (availability of teachers, doctors, food, etc.) that will allow these rights to be realized. With this distinction in mind, the following section will begin by establishing a conceptually innovative way of understanding our moral duty to the world's poor. This in turn will provide the framework for a sounder defense of human rights, a defense that can bring more conceptual clarity and rigor to FS's call for food as a human right.

¹⁰ Gerwirth, Alan. *The Community of Rights*. (Chicago: University of Chicago Press, 1996), 33-38.

An Argument for Our Moral Obligation to the Global Poor

While it might seem silly to ask whether we live in a state of radical inequality, for philosophical clarity and moral force, Pogge proffers a conceptual basis for establishing the existence and persistence of radical, global inequality. According to Pogge, radical inequality exists if the following conditions are met:

- 1. The worse off are very badly off in absolute terms.
- 2. They are also very badly off in relative terms very much worse off than many others.
- 3. The inequality is impervious: it is difficult or impossible for the worse-off substantially to improve their lot, and most of the better-off never experience life at the bottom for even a few months and have no vivid idea of what it is like to live in that way.
- 4. The inequality is pervasive: it concerns not merely some aspects of life, such as the climate or access to natural beauty or high culture, but most or all aspects of life.
- 5. The inequality is avoidable: the better-off can improve the circumstances of the worseoff without becoming badly off themselves.

Some argue that, while the current state global economic inequality is a matter of concern, the scale of poverty as well as standards of living are much better than they use to be. Compared to 60 years ago, we are drastically reducing the number of people in extreme poverty (Chandy and Gertz). Without delving into the debates over the rate of poverty reduction, Pogge persuasively argues that it is not the decrease in the number of people in extreme poverty that should give us cause to celebrate. From a moral standpoint, "the killing of a given number of people does not become morally less troubling the more the world population increases" (Pogge, 2005, 92). In other words, the persistence of poverty, and by extension, hunger and malnutrition remains a pressing moral dilemma. Again, the 3 billion people living off of less than \$2.00, the 1.1 billion people lacking access to safe water, the 2.6 billion lacking access to basic sanitation, the 1 billion lacking adequate shelter, the 1.6 billion lacking electricity, and the 2 billion lacking access to basic sanitation a global system that meets criteria 1-4 above.

Rather than asking why we have failed to achieve poverty reduction goals (e.g. Sachs 2006), we might instead focus on the reasons poverty and hunger continues to exist. Namely, are there policies in place that serve to perpetuate and exacerbate the conditions of the global poor (e.g. Stiglitz 2003; Lappé, Collings, and Rosset 1998)? Morally speaking, even if the radical inequality that exists today is considered problematic, many argue that we are not *actively* harming the poor. We might feel charitable and choose to give assistance in ways we feel fit, but we are not morally *obligated* to do so. Here, the distinction between negative and positive rights and their concomitant duties is crucial. As Pogge comments, "there are two ways of conceiving such poverty as a moral challenge to us: we may be failing to fulfill our *positive* duty to help persons

in acute distress; and we may be failing to fulfill our more stringent *negative* duty not to uphold injustice, not to contribute to or profit from the unjust impoverishment of others" (emphasis in original) (Pogge, 2009; 203). Again, we might feel we have good cause to help in meager ways, but we certainly do not have a moral obligation to help the global poor, those so distant from us that we have no real familial or communal connection.

However, the crux of Pogge's position is that we have, and continue to, impose harmful policies and institutions upon the global poor. Whether in the form of asymmetrical WTO and regional trade arrangements, the support of corrupt political regimes, the lack of oversight in protecting harmful environmental and labor practices of transnational corporations (TNCs), and so forth, the affluent countries of the world have erected a global institutional order that thrives off of the misery of nearly a third of the global population. In other words, we have created and perpetuate a coercive global institutional order that *actively* harms the poor. As affluent citizens of democratic countries, we have elected officials who are responsible for this institutional order, and as such, are complicit in what Pogge provocatively calls a massive violation of human rights. We either directly participate in or indirectly benefit from this harming of the global poor and as such are responsible for the current system. Philosophically speaking, we, citizens in affluent countries have not fulfilled our negative duty not to harm the poor.

In many ways FS advocates have implicitly recognized this. The call for food as a human right is directly connected to the call for eliminating harmful policies and practices that prevent communities – i.e. small-sale farmers, peasants, landless workers, fisherfolks, etc. – from exercising their right to self-determination. To use another example related to the *Via Campesina*, "The movement [*Via Campesina*] argues for a fundamental shift in who defines and determines the purpose and terms of knowledge, research, technology, science, production, and trade related to food" (Desmarais 2007; 37). The call for erecting a global institutional order that provides spaces for self-determination, particularly for those at the center of FS can now be understood as a moral imperative, not simply something we choose to participate in or not.

Philosophical Foundations of Human Rights

With the justification for our obligation to exercise our negative duty to not harm the poor now established, the grounds for a defense of human rights have be paved. Although FS has asserted the human right to food, conceptual clarity can be gained by asking, what exactly are human rights and how should they be conceived and thus justified morally? In addressing the question of what we mean by "human rights" Jack Donnelly rightly notes that theoretical

attempts to justify human rights have a variety of starting points. Theorists argue they may arise from natural law theory (Donnelly 1982), from human needs (Bay, 1982), from a notion of human flourishing (Pogge, 2008), from human action (Gewirth 1996) and so forth. Donnelly correctly recognizes that there are few moral issues less conclusive than attempting to define human nature, but perhaps this conceptual "emptiness" is the most powerful aspect of it all. Donnelly's understanding of human rights is appealing because he makes a distinction between a scientific and a moral understanding of human nature. We can avoid the conundrums of attempting to establish an essentialist definition of the human nature by recognizing that humans are both animals and moral beings. As Donnelly puts it, "Human rights are 'needed' not for life but for a life of dignity" (Donnelly, 2003). To live a life of dignity entails understanding ourselves not simply as autonomous beings, but individuals who are shaped by our communities. While Donnelly's argument for human rights follows a natural law/rights tradition is respectable, Alan Gewirth offers a justification for human rights that is even more stringent and fits particularly well the FS framework.

For Gewirth, "the justification of rights requires the delineation of a basis from which rights can be logically generated" (Gewirth 1978 and 1996; 13) and the relevant foundation for human rights should be human action. Human action is basic to all forms of human behavior, whether in labor, in social and cultural interactions, or in ethical decision-making. The demand for the human right to food is itself an action for "all moral precepts tell human beings how they ought to act." Furthermore, our moral precepts (whatever they may be) are founded on two features that relate to the actions to which they refer. On the one hand, they are voluntary or require freedom. Namely, the persons to which moral demands are addressed have knowledge of relevant circumstances and are free to act accordingly. On the other, we act with intention or purpose; all of our actions have some end or goal at which they are directed as well as some degree of confidence that we will succeed in achieving our goal. When purposiveness "is extended to the general conditions required for such success, it becomes the more general feature which [we] shall call well-being (Gewirth 1996; 13, authors emphasis). Logically, then, well-well being must also include the "various substantive conditions and abilities that are required either for acting at all or for having general chances of success in achieving one's purposes through one's actions" (Gewirth 1996; 14)

Gewirth discusses three hierarchical dimensions of well-being that provide more substance to the abstract concept well-being. *Basic well-being* refers to having the basic prerequisites such as life, physical integrity, mental equilibrium, etc. necessary for action in general. *Nonsubstantive well-being* consists in having the general abilities and the proper conditions needed for purpose-fulfillment and includes examples such as not being lied to or stolen from. Finally, *additive well-being* is measured by our ability to increase our levels of "purpose-

fulfillment" and our capability to achieve particular actions. It should also be noted that these concepts are increasingly showing up in how we understand economic development, a key component in the fight to curb global poverty and, in turn, for realizing the goals of FS members in the developing world (See also, Sen 1992; 1999 Nussbaum 2003; 2006).

With the necessary conditions of freedom and well-being thus established, Gewirth argues that a key component of well-being is *community* (my emphasis). On the one hand, community is instrumentally important because it is in the community context that we are nurtured, sheltered, and feed, and thus acquire the conditions necessary for achieving our ends or goals. On the other, drawing off of Aristotle's notion that man by nature is a social animal, we recognize that communities are by definition the only place we can achieve our full humanity. It is through mutual relationships and interactions (i.e. the community) that we bolster our chances of actually achieving our goals or ends.

The Argument for Human Rights

With the idea that human action is the basis for human rights now articulated, we can ask how human rights are derived from the generic features of human action. Gewirth employs a dialectical method that is *necessarily dialectic* (authors emphasis) insofar as the statements made by a purposive agent "logically must be accepted by every agent because they derive from the generic features of purposive action, including the conative standpoint common to all agents" (Gewirth 1996; 16). In other words, the argument for human rights and their concomitant duties is one everyone must logically accept because it is derived from the fundamental assertion that all human beings (purposive agents) need baseline conditions that allow for action (and generally successful action).

The argument proceeds with two theses. First, every agent or human "logically must accept that she or he has rights to freedom and well-being." Second, every agent "logically must also accept that all other agents also have these rights equally" with one another. In establishing this second thesis we can posit the "existence of universal moral rights and thus human rights" (Gewirth 1996; 17). The premises of the argument are as follows (1) I do X for end or purpose E. From step (1) we logically must agree with step (2) E is good. The "good" need not be definitive but the agent must recognize that s/he acts for some purpose that merits value or reason to attempt to achieve whatever it is s/he is attempting to achieve. Following this, we recall that freedom and well-being are necessary conditions for an agent's acting, and therefore must accept (3) My freedom and well-being are necessary goods. Hence, (4) I must have freedom and well-being. In other words every agent at the very least must advocate for the conditions necessary to act (and act successfully in general). In other words, we recognize the practical necessity of freedom; it is a necessary condition for achieving our goals. Moreover, we

recognize the prescriptive nature of freedom; if freedom is a necessary condition for achieving our goals, we will also endorse or advocate for its conditions. From (4) we must also accept (5) I have rights to freedom and well-being. For Gewirth, this is a crucial moment for the logical acceptance of the normative concept of rights, namely, what we ought to accept from the previous premises. The logic of step (5) can only be shown in light of (6) All other persons ought at least to refrain from removing or interfering with my freedom and well-being. If an individual rejects (6) s/he has to accept (7) Other persons may remove or interfere with my freedom. Furthermore, by accepting (7) s/he must also accept (8) I may not have freedom and well-being. However, here we notice that logically speaking, (8) contradicts (4). Finally, because (8) follows from the rejection of (5), every agent must reject that denial, and thus s/he must accept (5). At this stage in the argument, the existence of general rights is established. The universal nature of general rights can be established by the logical principle of universalization." Namely, "if some predicate P belongs to some subject S because S has a certain quality Q, then P logically must belong to all subjects that also have Q" (Gewirth 1996; 17-19). Therefore, if all humans are purposive agents (i.e. engage in human action or quality Q), no rational being can be exclusively self-interested because it would contradict (5). As such, even self-interested people must accept the universal nature of generic rights in order to conform to the principle of noncontradiction, which is the fundamental principle of reason.

Gewirth's derivation of human rights is particularly apt for theorizing human rights for two reasons. On the one hand, he provides a logically sound argument that does not need to appeal to human emotions such as compassion, care, charity, and so forth.¹¹ On the other, central to the argument is the idea that rights and community are intimately connected. In my mind this resonates well with the FS framework and can strengthen the theoretical foundations of the right to food.

Building upon Gewirth's justification of the existence of human rights, Christian Bay offers a helpful list or order of rights that proves useful for FS's conception of food as a human right that is related to culture and community. Rights in Bay's theory are derived from basic human needs (rather than something like natural law). First, Bay prioritizes the right to survive as a species, a general right to life as procured by adequate food, water and shelter a *prima facie* right. Second, we need to be healthy, namely, we must be able to avoid physical and mental harm whether due to violence, preventable disease or deprivation. Third all humans have a right to be accepted in community (Bay 1982). The actual type of community need not necessarily be defined, but we must recognize that we do not live in complete isolation, our

¹¹ In my mind, these are obviously virtuous characteristics, but the argument here is directed more toward figures like Hardin who hold a strong position of self-interest. Even the radical egoist must accept the logic of this argument.

identity is defined largely by the relationships we have both with each other and with the natural world. While the need to be in community may derive from our desire to love and be loved, to have a sense of belonging and so forth, the need to be in community can be established on rational grounds as well (i.e. in much of the same way Gewirth establishes the existence of human rights).

The need for community solidarity can be derived from a Rawlsian-like method.

Generally stated, Rawls' original position is a hypothetical situation in which rational beings decide the framework for erecting a just institutional order. Without knowledge of economic status, time in history, gender, ethnicity, age, etc., Rawls asks us to determine what we would rationally chose as the most just institutional framework. Following Rawls, Bay concludes that "every rational person would be bound to opt for a social order in which people would see their need for community-solidarity as prior to their need for individual liberty." Why is this the logical conclusion? Bay suggest, rightly, that a social order of unconstrained liberty would result in a "capitalist-type social order, with permanent reward structures for enterprising individuals who choose to be free riders, exploiters, con artists, bullies, and the like" (Bay 1982; 60). In other words, rational beings deliberating on a just institutional order would not opt for unrestricted individual liberty. It is only after we posit the need for community that we can assert the need for individual liberty.

This framework also helps address some of the issues raised by cultural relativists. Local cultures can remain diverse and heterogeneous (i.e. we do not have to assert the superiority of one culture or set of cultural values over another) as long as they do not violate access to basic needs, health and the ability for others to gather in community. Recognizing the priority of community-solidarity over individual liberty is central to FS's mission and framework. This is not to suggest human liberty is unimportant (in fact it is a basic human need), but rather that our understanding of the *human qua human* as a social creature is radically different that how the human is conceived in our current neoliberal capitalist order, an order that only conceives of humans as cold, self-interested individuals who are always bent on conflict.

Conclusion

As a growing movement, the FS movement in its various global manifestations has not only challenged the neoliberal socioeconomic order, but also demonstrated viable alternatives to this system. It has also positioned the human right to food as one of its guiding principles. This right, moreover, is directly connected a particular understanding of food, one that sees it as a cultural commodity that should not be haphazardly traded on a global scale without regard to the humans who produce it. Moreover, the right to food is built on a deep moral commitment

that sees the right to self-determination as a necessary feature for living a life of dignity. Unfortunately, for much of the world's affluent, this right is violated daily, to the toll of millions of deaths each year. It is the hope that this paper can contribute to ongoing efforts to clarify areas of conceptual ambiguity within FS's understanding of food, community and human rights. While Pogge's provocative suggestion that we, affluent citizens are actively committing a massive violation of human rights may, ultimately, be limited to its rhetorical value, by positioning the argument in terms of our negative duties to the poor FS is better equipped to respond to detractors who contend that, while we may not be making as much progress in fighting world poverty as desired, we are not morally obligated to do so. With specific respect to food as feature of our negative duties, Pogge's analysis directly addresses broad issues such as unfair, asymmetrical trade policies, IMF loan conditionalities, World Bank structural adjustment programs, and the corporate polluting of the environment. Pogge's argument provides a conceptual ground on which FS movements can avoid the ethical conundrums associated with positive rights, namely, from whom (governments, charities, multilaterals, etc.) do the global poor, hungry, and malnourished demand the right to food. In turn, Alan Gewirth's stringent argument for the justification of the existence of human rights firmly establishes the basis for FS to assert the right to food. Thus established, the core demand by FS movements for food and self-determination in the context of community can be posited as essential conditions necessary for living a life of dignity.

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Food Sovereignty: A Critical Dialogue

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FOOD SOVEREIGNTY: A CRITICAL DIALOGUE INTERNATIONAL CONFERENCE PAPER SERIES

A fundamentally contested concept, food sovereignty has — as a political project and campaign, an alternative, a social movement, and an analytical framework barged into global agrarian discourse over the last two decades. Since then, it has inspired and mobilized diverse publics: workers, scholars and public intellectuals, farmers and peasant movements, NGOs and human rights activists in the North and global South. The term has become a challenging subject for social science research, and has been interpreted and reinterpreted in a variety of ways by various groups and individuals. Indeed, it is a concept that is broadly defined as the right of peoples to democratically control or determine the shape of their food system, and to produce sufficient and healthy food in culturally appropriate and ecologically sustainable ways in and near their territory. As such it spans issues such as food politics, agroecology, land reform, biofuels, genetically modified organisms (GMOs), urban gardening, the patenting of life forms, labor migration, the feeding of volatile cities, ecological sustainability, and subsistence rights.

Sponsored by the Program in Agrarian Studies at Yale University and the Journal of Peasant Studies, and co-organized by Food First, Initiatives in Critical Agrarian Studies (ICAS) and the International Institute of Social Studies (ISS) in The Hague, as well as the Amsterdam-based Transnational Institute (TNI), the conference "Food Sovereignty: A Critical Dialogue" will be held at Yale University on September 14–15, 2013. The event will bring together leading scholars and political activists who are advocates of and sympathetic to the idea of food sovereignty, as well as those who are skeptical to the concept of food sovereignty to foster a critical and productive dialogue on the issue. The purpose of the meeting is to examine what food sovereignty might mean, how it might be variously construed, and what policies (e.g. of land use, commodity policy, and food subsidies) it implies. Moreover, such a dialogue aims at exploring whether the subject of food sovereignty has an "intellectual future" in critical agrarian studies and, if so, on what terms.

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