

**ARTICLE**

# The human right to subsistence

**Alejandra Mancilla** 

University of Oslo

**Correspondence**

Alejandra Mancilla, Department of  
Philosophy, Classics, History of Art and Ideas  
(IFIKK), University of Oslo, Postboks 1020,  
Blindern, Oslo 0315, Norway.  
Email: alejandra.mancilla@ifikk.uio.no

**Abstract**

That there is a human right to subsistence is a basic assumption for most moral and political theorists interested in the problem of global poverty, but it is not one exempt from controversy. In this article, I examine four justifications for this right and suggest that it takes the form of a claim, that is, a right which creates correlative duties on others who are then taken to be the main agents in its fulfillment. I point to some criticisms made against this conceptualization and offer an alternative approach that emphasizes the key importance of the moral and political agency of the needy. Two aspects of this approach are that the needy are seen as actors in their own right when it comes to poverty alleviation measures and their demands are no longer seen as demands for mere subsistence but ultimately for putting an end to their political marginalization and exclusion. Towards the end, I point to the complementarity of both views.

## 1 | INTRODUCTION

"It is an easy matter to talk philosophically, whilst we do not ourselves feel the hardship any farther than in speculation," once said by Samuel Pufendorf, criticizing legal scholars who, from their comfy armchairs, condemned the actions of those who in times of famine raided the granaries and helped themselves to the food (Pufendorf, 1729, II. VI.7, p. 210). For Pufendorf, self-preservation was such a strong human instinct that it was pointless for the law to condemn acts that individuals would engage in anyway, even at the risk of being punished. What social institutions had to secure, therefore, was that no one fell in such a dire situation, where the only way to survive was to commit such acts. If the generosity of one's co-citizens could not be trusted to meet this purpose, then some sort of taxation ought to be established.

---

This is an open access article under the terms of the Creative Commons Attribution License, which permits use, distribution and reproduction in any medium, provided the original work is properly cited.

© 2019 The Author. Philosophy Compass Published by John Wiley & Sons Ltd

Translated into contemporary parlance, what Pufendorf envisaged was the recognition of the right to subsistence as a basic human right, the fulfillment of which ought to be protected and guaranteed by social institutions. Three centuries later, that such a right exists is mostly uncontroversial not only for moral and political theorists but also for international law.<sup>1</sup> Article 25 of the Universal Declaration of Human Rights thus includes the right to subsistence in affirming that “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control” (UDHR, 1948).

In what follows, I understand the right to subsistence as falling under the broader category of welfare rights just described. After offering a definition, I present four justifications of this right as a basic human right. In all of them, the right to subsistence takes the form of a Hohfeldian claim (Hohfeld, 1913, p. 33ff), that is, a right which creates correlative duties on others who are then taken to be the main agents in their fulfillment. I point to some criticisms made against this conceptualization and offer an alternative approach that emphasizes the key importance of the moral and political agency of the needy in the fulfillment of this right. Two aspects of this approach are that the needy are seen as actors in their own right when it comes to poverty alleviation measures, and their demands are no longer seen as demands for mere subsistence but ultimately for putting an end to their political marginalization and exclusion. Towards the end, I point to the complementarity of both views.

An important clarification is that I limit my examination to philosophical accounts that understand the right to subsistence (and other basic human rights) as primarily moral or pre-institutional and normatively foundational. In the debate about the ultimate justification of human rights, these accounts have been labeled as “orthodox” and opposed to “political” or “institutional” ones, which focus on the function of the international human rights regime in actual practice.<sup>2</sup> A shared assumption in the debate that follows, moreover, is that there are “favorable conditions” in place; namely, there are enough material resources to be distributed to bring everyone above a minimum level of subsistence, and doing so is feasible.<sup>3</sup>

## 2 | JUSTIFYING THE HUMAN RIGHT TO SUBSISTENCE (AND ITS CORRELATED DUTIES)

The right to subsistence can be defined as the right to those material provisions needed for one's self-preservation, i.e., those material provisions required for enjoying a minimal physical and physiological well-being. Water, food, air, shelter, and access to basic medical provisions and energy sources are normally taken to be its main objects (Shue, 1996, p. 23; Nickel, 2007, p. 63). It could thus be understood as constituting the core of welfare rights, insofar as it appeals to the satisfaction of the most basic physical and physiological needs that we have as human beings.

But why does a fact like the subsistence needs of humans give rise to a normative prescription in the form of a right? What merits protecting and securing subsistence needs for all human beings in this way? In this section, I offer four prominent justifications offered by contemporary moral and political theorists.

### 2.1 | A requisite for the enjoyment of any other rights

*No one can fully, if at all, enjoy any right that is supposedly protected by society if he or she lacks the essentials for a reasonably healthy and active life (Shue, 1996, p. 24).*

If the right to subsistence goes unfulfilled, then no other rights (not even other basic rights, like security, and liberty) can be enjoyed. And because everyone has a right to something, then everyone must also have a right to subsistence. This is Henry Shue's line of defense, which is also one of the most prominent in the literature. Together

with security and liberty rights, the right to subsistence lies at the moral rock-bottom, marking the line “beneath which no one is to be allowed to sink” (Shue, 1996, p. 18).

As a moral right, the right to subsistence creates a justified demand to socially secure the actual enjoyment of its substance against standard threats (Shue, 1996, p. 13). This means that its actual fulfillment ought to be guaranteed by social institutions for all human beings under normal circumstances. Shue proposes that three types of duties correlate to it: to avoid depriving persons of their only available means of subsistence, to protect persons against such deprivation, and to aid those who are unable to provide for themselves (Shue, 1996, p. 53).

An interesting twist to Shue's argument is given by Elizabeth Ashford. As she explains, Shue's claim relies on the assumption that those whose subsistence rights have not been met are likely to be coerced into “subsistence exchange contracts” (Ashford, 2015, p. 518). These are contracts where people give up some of their negative rights (i.e., rights that merely require non-interference, like liberty and security) in order to secure mere subsistence. This kind of contracts is not uncommon and may include sweatshop labor, child labor, and human smuggling (Ashford, 2015, p. 519). While Shue interprets these as constituting a form of non-voluntary coercion (a reading that is likely to be rejected by libertarians), Ashford proposes that, even if there were no coercion involved, they would remain morally problematic. First, for those who are destitute, the choice of accepting such contracts is indeed non-voluntary, given that their situation is unsustainable. Even if these contracts expand the range of choices of the destitute (and are therefore an improvement relative to the empirical baseline of utter destitution), they are harmful relative to an uncontroversial moral baseline which protects individuals against serious harm. Second, these contracts often involve subjugation and violation of one's negative rights by other agents. To be morally consistent, one cannot ban these contracts without at the same time guaranteeing that the right to subsistence of all human beings be fulfilled under normal circumstances. For Ashford, the right to subsistence is thus a prerequisite for the enjoyment of any other rights in the sense that its fulfillment serves to protect these rights from being violated.

## 2.2 | For the sake of moral consistency

Alan Gewirth appeals to the necessary conditions of human action to ground basic human rights: freedom (consisting in “control of one's behavior by one's unforced choice while having knowledge of relevant circumstances”) and well-being (“consisting in having the general abilities and conditions needed for achieving one's purposes”: Gewirth, 1988, p. 245). Subsistence, as part of the concept of well-being, founds in this view a human right: first, on substantive grounds, insofar as its object is a necessary condition for human action and second, on formal grounds, insofar as it would be self-contradictory for an agent to deny its existence. For how could one deny to others what one must claim for oneself in exercising one's agency? In treating others as prospective purposive agents, one must therefore acknowledge the existence of this right (Gewirth, 2007, p. 224).

As a moral right, the right to subsistence creates duties on others that are not duties of charity or beneficence but “perfect, stringent and in principle enforceable duties of justice” (Gewirth, 2007, p. 219). To realize these duties, Gewirth thinks that one should employ two strategies. First, one should show to potential duty-bearers that complying with them would advance their self-interest more than failing to comply with them. And second (if the first fails), one should threaten potential duty-bearers with the use of force if they fail to comply or actually use force against them. The problem of the latter strategy, Gewirth admits, is that using force might be more harmful than helpful for those whose rights go systematically unfulfilled. Furthermore, Gewirth admits that in practice, there are limits to what people under severe deprivation can actually do for themselves without outside help: “It is far more likely that he will have to have the help of others to provide for his basic agency needs” (Gewirth, 2007, p. 228).

## 2.3 | A requisite for personhood

James Griffin offers a justification of the right to subsistence that appeals to the importance of personhood, i.e., our status as normative agents—“deliberating, assessing, choosing, and acting to make what we see as a good life for

ourselves" (Griffin, 2008, p. 32). Because personhood is a core human interest, it needs protection in the form of human rights. And because for personhood to be protected at least some material resources are required, then there must be a human right to these resources (Griffin, 2008, p. 33).<sup>4</sup> Together with autonomy (to choose one's path in life without domination or control by someone or something else) and liberty (to pursue that path freely), the "minimum provision" requirement completes the triad that gives rise to the list of "highest level" human rights (Griffin, 2008, p. 149).

For Griffin, the fulfillment of this right is not only an empirical but also a logically necessary condition for personhood. It is not just that we need to be minimally fed and clothed in order to exercise our normative agency, being a normative agent just means that the content of this right must be in place. Minimum provision, just like autonomy and liberty, generates universal claims of all against all.

## 2.4 | A requisite for a minimally decent human life

James Nickel agrees with Henry Shue's claim that the right to subsistence has to be protected for individuals to be able to effectively exercise their other rights. Together with the right to basic education and basic health care, Nickel understands the right to subsistence as a social right and connects it to the ability to lead a minimally decent human life (Nickel, 2007, pp. 138–42).

To see whether it deserves to be considered a basic human right, Nickel subjects it to a series of six "justificatory tests" and concludes that it passes all of them (Nickel, 2007, p. 145). First, inadequate access to the objects of subsistence is a major problem and constitutes a recurrent threat for millions of human beings worldwide. Second, subsistence is such an important interest of human beings that it is hard, if not impossible, to pursue any other interest if it goes unfulfilled. Third, guaranteeing access to the means of subsistence is possible to translate into the language of rights as claims with correlated duties and specifiable scope and object. Fourth, no norm weaker than a right would be enough to protect such an important human interest. Fifth, the burdens imposed by this right are justifiable if one bears in mind that the right to subsistence—against the cliché—is not mainly about providing food and stuff to people but about letting them make their living by their own means. And sixth, it is feasible to implement it, insofar as a majority of states today is in a position to do so (Nickel, 2007, pp. 145–52).

## 3 | QUESTIONING THE HUMAN RIGHT TO SUBSISTENCE

Despite their differences, what all the justifications above share is the idea that the right to subsistence has the form of a claim-right, therefore giving rise to duties on others. This position has been criticized on three main scores.

First, some claim that for something to be a human right its realization must be feasible. In this sense, the right to subsistence cannot be established as a human right when there are states that are too poor to guarantee access even to the basic necessities for their citizens. This is Maurice Cranston's main objection against what he calls economic and social rights. Civil and political rights like liberty and security, on the contrary, could be fulfilled at a relatively low cost (Cranston, 1983, p. 13). This argument has been contested on several grounds. To mention three: for one thing, all legally enforceable rights cost money so that security and liberty as much as subsistence depend on government action and social cooperation through taxation (Holmes & Sunstein, 2000). For another thing, it assumes that the duties correlative to economic and social rights should be borne only by co-nationals. However, this nationalist assumption needs to be supported by an argument that is lacking.<sup>5</sup> As Charles Jones points out, "when it comes to protecting human rights, co-national responsibilities are the beginning, but not the end, of the story" (Jones, 2013, p. 65). Finally, the claim that turning the right to subsistence into a basic human right is not feasible relies on the unsupported assumption that it will be extremely costly to comply with its correlative duties. However, as Asbjørn Eide explains,

*the individual is expected, whenever possible through his or her own efforts and by the use of his or her resources, to find ways to ensure the satisfaction of his or her own needs, individually or in association with others" (Eide, 1993, p. 387, emphasis added).*

That is, fulfilling this right should be more a matter of letting people make their living than actively assisting them.

A second line of criticism is that, because its correlative duties remain indeterminate in the absence of institutions to allocate them, the right to subsistence cannot be claimable prior to the existence of the latter. Onora O'Neill, who upholds the normative distinction between negative and positive rights, affirms along these lines that, while negative rights merely require others to refrain from intervening or interfering, positive rights require others to provide someone with something. But it is unclear who those "others" should be:

*If, in the absence of enforcement, A tortures B, we are quite clear who has violated B's right; but if A does not provide B with food, or even with an aliquot morsel of food, we are not sure whether A has violated B's rights. There is nothing to show that it is against A that B's claims to food should be lodged, rather than against others, or to show that it is a legitimate claim" (O'Neill, 1998, p. 103).*

The outcome is that the right to subsistence amounts to no more than a well-meant aspirational goal or "manifesto right."<sup>6</sup>

The human right to subsistence has been defended against the claimability objection along two lines. On the one hand, some have denied that rights have to be claimable. What makes something a right is that it protects such an important individual interest that it justifies the imposition of duties on others. The issue of allocation and specification of these duties is on this account a separate question—not one that determines the very existence of the right (Tasioulas, 2007, p. 92). On the other hand, others have argued that the right to subsistence is in fact claimable. James Griffin has proposed that it is enough for the duty-bearers to be specifiable rather than specified. Duties should then be allocated according to some criteria that will probably involve negotiation and require some measure of compromise (Griffin, 2008, pp. 101–110). A second strategy is to say that those whose subsistence needs remain unfulfilled have the right to claim assistance from anyone who has not taken reasonable steps to fulfill their duties (Stemplowska, 2009, p. 482). Yet a third move is to understand the duties correlative to this right as shared, perfect duties that all affluent persons have, collectively (Igneski, 2017, p. 34).

Jessy Tomalty highlights some problems that these rejections to the claimability objection have to confront. Regarding Tasioulas's approach, because there is no clear normative distinction between the value that the right is supposed to protect and the right itself, the latter ends up being a watered-down version of real rights and lacking the implications of real rights—among them, that the agent may demand compensation or restitution from the right's violator and that it may be coercively enforced. Regarding Griffin's proposal, when it comes to finding criteria for allocating the correlative duties, the problem is not so much agreeing on the justifying principles for allocation, as it is on deciding the coordinating principles. Stemplowska's suggestion that anyone who has not fulfilled their undirected duties of assistance may be specified as the duty-bearer in a certain situation is considered by Tomalty as too quick, as it would mean that the latter would lose their power of discretion as to how to fulfill these duties—which goes against the very definition of a duty to assist. Finally, appealing to collective duty-bearers as those in charge of fulfilling the right to subsistence of others is unhelpful in the absence of an institutional framework for the allocation of such duties. From this, Tomalty concludes that the claimability objection against a moral, pre-institutional right to subsistence is indeed powerful. For the right to subsistence to remain relevant, the best alternative is to focus on its practical, institutional realization as articulated, for example, in diverse international human rights declarations and conventions (Tomalty, 2014, pp. 7–15; see also Beitz, 2009). This means, however, giving up (or, at least, bracketing) the defense of a moral right to subsistence.

A third, connected objection is that the right to subsistence is non-justiciable—to wit, it cannot be enforced in a court of law in the same way as traditional negative rights. According to this objection, courts lack the institutional

capacity and democratic legitimacy to decide on questions of resource allocation, which require negotiation and compromise (Neier, 2006). Against this, Sandra Raponi (2017) argues that a number of states have included the right to adequate food in their constitutions and legal systems. Moreover, along Tomalty's lines, Raponi also emphasizes how the international legal system has followed these developments to a certain extent.<sup>7</sup>

#### 4 | THE RIGHT-HOLDERS AS AGENTS

Although there have been huge advances in key areas of human development in the last decades, there are still 821 million undernourished people in the world. 736 million live in extreme poverty, that is, with 1.90 USD a day. And each minute, 21 children die mainly from preventable causes like diarrhea, malaria, and pneumonia (see, respectively, FAO, 2018; World Bank, 2018; UNICEF, 2019). At the same time, global socioeconomic inequality has been mounting in the last decades, with the richest one percent owning almost half of all household wealth and the poorest half owning just one (Credit Suisse, 2018, p. 9).

In the face of this, some have increasingly come to criticize an unspoken assumption of the theories examined so far—namely, that the most powerful and wealthy agents (individual or institutional) are also the best suited and most appropriate in leading the quest to realize the right to subsistence for all. The own assumption of those engaged in this criticism is that global poverty is not a matter of bad luck but mainly the result of sustained economic and political structures of domination.<sup>8</sup>

Two aspects of this approach are that the needy are seen as agents in their own right when it comes to poverty alleviation measures and that their demands are no longer seen as demands for mere subsistence but also for putting an end to their political marginalization and exclusion—which are seen as directly connected to their material deprivation.

Regarding the first aspect, Cécile Fabre claims that “[s]ubsistence rights ... are important enough to warrant defending by force provided that wrongdoers who meet the conditions for liability to attack can be identified” (Fabre, 2012, pp. 100–101). Fabre uses this argument to defend the moral permissibility of “subsistence wars” waged by needy states or groups against those who are violating this most basic right. Subsistence wars might involve killing culpable civilians who contribute in a relevant way to the plight of the needy, inflicting non-lethal harm against those who contribute in more indirect ways, and even killing the latter unintentionally, but with foresight (Fabre, 2012, p. 126). Given the serious implications at stake, a liability condition must be fulfilled; namely, the actions of those against whom the war is waged have to be causally connected in a clear-cut and certain way to the plight of those waging the war. Moreover, these wars must have some prospect of success (non-futility condition). A criticism to this approach is that, even while morally permissible in principle, they will be rarely so in practice. For one thing, in a globally interconnected and interdependent world, it will be very hard to determine clear and certain liabilities. For another thing, as Fabre herself recognizes,

*What hope do the scores of desperately poor individuals throughout the world—many of them children and women with burdensome family responsibilities—have to arm themselves and act in defense of their rights? None whatsoever” (Fabre, 2012, p. 117).*

Simon Caney (2015), meanwhile, argues for a “right of resistance against global injustice.” When a core moral entitlement like the right to subsistence is denied to individuals or groups as a result of collective causal processes, they have a permission to disobey the law—for example, by refusing to respect borders and property rights (Caney, 2015, pp. 55–56). Caney underlines, however, that this must be the least bad option and that there must be some prospect of success.<sup>9</sup>

A related approach recuperates the notion of rights as moral qualities that enable individuals to have or to do something justly (Grotius, 2005, I.I.4, p. 138). As the “proactive side” of self-preservation, the right to subsistence in

this reading is not just a claim against others but also a privilege to act in pursuing that end, protected by a claim not to be interfered with in so doing.<sup>10</sup> Against the contention that “those who claim rights still see themselves within an overall framework of reciprocity” (O’Neill, 1998, p. 97), here, it is emphasized that human-rights (and, within them, the right to subsistence) are empowering for their holders. Along these lines, one can recognize the “right of necessity” of individuals as their moral prerogative to take, use and/or occupy the material resources required to guarantee their self-preservation, even if this implies breaking the law (Mancilla, 2016, p. 4). While liberal theories of global justice have mostly ignored actions like shoplifting, pilfering, squatting, occupying, engaging in underground work, and illegally migrating, this approach starts from the fact that the needy of the world already engage in the fulfillment of their right to subsistence through these “non-conventional” methods.<sup>11</sup> It then asks under what conditions this is morally permissible: the need must be basic, one must not violate other equally important moral interests to exercise this right, and it must be done as a last resort. Given the disruptive and potentially negative consequences that the generalized exercise of this right might have, the point of this proposal is not to celebrate the right of necessity as the definitive solution to the problem of unfulfilled subsistence rights globally. Rather, it is to underline its urgency and to recognize the role of the needy as main actors in their fulfillment.

Regarding the second aspect, Monique Deveaux underlines the key social and political role of poor-led movements in the “Global South” in realizing their basic right to subsistence. Instead of sitting down and waiting for measures to be taken on their behalf, groups like the *Sem Terra* and *Via Campesina* fight as much against their economic deprivation as against their political marginalization and exclusion and seek to transform society from the bottom up.<sup>12</sup> A relational approach (where the needy gain visibility and their own perspective and contribution are taken into account) is thus the way forward in order to realize not just their right to subsistence but also their other basic rights and their civil and political liberties. Empowering them is therefore indispensable (Deveaux, 2015, 2018).

## 5 | ALTERNATIVE OR COMPLEMENTARY APPROACHES?

In concluding, I would like to go back to the beginning to Pufendorf’s insight that subsistence is of such paramount urgency for individuals that seeking to guarantee its fulfillment must be at the basis of any regulatory framework for society. While Pufendorf was thinking at the domestic level, however, one might wonder whether extrapolating this idea to the global level really works. So does it?

After years of almost exclusive focus on “the moral demands of affluence” when it comes to the fulfillment of the human right to subsistence, a recent shift has taken place among moral and political philosophers who no longer see the right-holders as mere recipients of aid but as agents in the realization of their right.<sup>13</sup> In advancing towards a global society where the right to subsistence is realized, this latter insight has to play a crucial role.

If one leaves behind oversimplifying dichotomies of victims versus victimizers, recipients versus providers, and Global South versus Global North, a more complex and nuanced picture appears. If one concedes that the responsibilities to fight for the realization of the right to subsistence are widespread (Young, 2006), then everyone—and not just the “usual suspects”—is expected to contribute in this direction. Moreover, if one keeps in mind Deveaux’s dictum that the fulfillment of this right has an undeniably political component, then many actions that have so far fallen off the radar of the analysis will have to be taken into account in future discussions.

## ACKNOWLEDGEMENTS

I am grateful to Johan Olsthoorn and two anonymous referees of this journal for valuable feedback on a previous version of this article.

## ENDNOTES

- <sup>1</sup> See, for example, Pogge (2008) and Sen (2009).
- <sup>2</sup> For the distinction, see Føllesdal (2017).
- <sup>3</sup> In a world of extreme rather than moderate scarcity, the moral rules for fulfilling basic rights would probably look very different.
- <sup>4</sup> Griffin does not think that “mere physical survival” is enough to exercise one’s personhood; minimum education and access to information are also needed. His account of a positive right to “minimum provision of resources and capabilities” thus encompasses (but is not limited to) what is labeled here as the right to subsistence.
- <sup>5</sup> Cf. a nationalist account like David Miller’s that, despite establishing stronger duties of justice at the domestic level, acknowledges the existence of certain duties correlative to human rights which are global in nature (Miller, 2007).
- <sup>6</sup> The term “manifesto right” was coined by Joel Feinberg: “A person is always ‘in a position’ to make a claim, even when there is no one in the corresponding position to do anything about it. Such claims, based on need alone, are ‘permanent possibilities of rights,’ the natural seed from which rights grow. Manifesto writers are easily forgiven for speaking of them as if they were already actual rights, for this is but a powerful way of expressing the conviction that they ought to be recognized by states as potential rights and consequently as determinants of present aspirations and guides to present policies” (Feinberg, 1973, p. 67).
- <sup>7</sup> Raponi mentions the South African Constitutional Court, which evaluates government action regarding the fulfillment of the right to adequate food by using a flexible and deferential “standard of reasonableness”; and the Supreme Court of India, which in a case regarding the right to food appointed commissioners to see that its interim orders would be implemented (Raponi, 2017, p. 110).
- <sup>8</sup> In this sense, they agree with the diagnosis of theorists like Pogge (2008), who denounce the harm done to the needy by global structures that foreseeably and avoidably contribute to their deprivation.
- <sup>9</sup> Caney does not think that this permission to resist is limited to those whose rights are being violated, and he imagines scenarios where it is “outsiders” who act on behalf of the “victims.” In this sense, he still seems to give priority to the actions of outsiders in rectifying wrongs, when he claims that “as a matter of principle, self-protection by victims of injustice may be defensible when other-protection by outsiders is not” (Caney, 2015, p. 72).
- <sup>10</sup> Analogously, the “reactive side” of self-preservation is the right to self-defense, i.e., the privilege to defend ourselves from wrongful attack and the claim not to be interfered with while so doing. Having a privilege to  $\phi$ , in Hohfeldian terminology, means having no duty not to  $\phi$  (Hohfeld, 1913, p. 32).
- <sup>11</sup> Other social sciences have described these phenomena in great detail. See, for example, Lister (2004) and Scott (1985).
- <sup>12</sup> *Via Campesina* is a transnational peasant movement that was inspired by the *Sem Terra* (Landless Workers Movement in Brazil). They both seek agrarian reform and a more just development of agricultural policies to allow them to become self-subsistent.
- <sup>13</sup> I take the expression “the moral demands of affluence” from Cullity, 2004.

## ORCID

Alejandra Mancilla  <https://orcid.org/0000-0003-0214-0798>

## WORKS CITED

- Ashford, E. (2015). A moral inconsistency argument for a basic human right to subsistence. In R. Cruft, S. M. Liao, & M. Renzo (Eds.), *Philosophical foundations of human rights* (pp. 515–534). Oxford: Oxford University Press.
- Beitz, C. R. (2009). *The idea of human rights*. Oxford: Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199572458.001.0001>
- Caney, S. (2015). Responding to global injustice: On the right of resistance. *Social Philosophy and Policy*, 32(1), 51–73. <https://doi.org/10.1017/S0265052515000072>
- Cranston, M. (1983). Are there any human rights? *Daedalus*, 112(4), 1–17.
- Credit Suisse Research Institute. Global wealth report (2018). <https://www.credit-suisse.com/media/assets/corporate/docs/publications/research-institute/global-wealth-report-2018-en.pdf>. Accessed 28 May 2019.

- Cullity, G. (2004). *The moral demands of affluence*. New York: Clarendon Press. <https://doi.org/10.1093/0199258112.001.0001>
- Deveaux, M. (2015). The global poor as agents of justice. *Journal of Moral Philosophy*, 12, 125–150. <https://doi.org/10.1163/17455243-4681029>
- Deveaux, M. (2018). Poor-led social movements and global justice. *Political Theory*, 46(5), 698–725. <https://doi.org/10.1177/0090591718776938>
- Eide, A. (1993). Article 25. In A. Eide, & T. Swinehart (Eds.), *The universal declaration of human rights: A commentary* (pp. 385–403). Oslo: Scandinavian University Press.
- Fabre, C. (2012). *Cosmopolitan war*. Oxford: Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199567164.001.0001>
- FAO. 'The state of food security and nutrition around the world.' 2018. <http://www.fao.org/3/CA1354EN/ca1354en.pdf>. Accessed 12 February 2019.
- Feinberg, J. (1973). *Social philosophy*. Englewood Cliffs: Prentice-Hall.
- Føllesdal, A. (2017). Theories of human rights. In J. K. Schaffer, & R. Maliks (Eds.), *Moral and political conceptions of human rights: Implications for theory and practice* (pp. 77–96). Cambridge: Cambridge University Press.
- Gewirth, A. (1988). The justification of morality. *Philosophical Studies*, 53(2), 245–262. <https://doi.org/10.1007/BF00354643>
- Gewirth, A. (2007). Duties to fulfill the human rights of the poor. In T. Pogge (Ed.), *Freedom from poverty as a human right* (pp. 219–236). New York: Oxford University Press.
- Griffin, J. (2008). *On human rights*. Oxford: Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199238781.001.0001>
- Grotius, H. (2005. Original Edition). In R. Tuck (Ed.), *The rights of war and peace* (p. 1625). Indianapolis: Liberty Fund.
- Hohfeld, W. N. (1913). Some fundamental legal conceptions as applied in judicial reasoning. *The Yale Law Journal*, 23(1), 16–59.
- Holmes, S., & Sunstein, C. R. (2000). *The cost of rights: Why liberty depends on taxes*. New York: W.W. Norton & Company.
- Ignesi, V. (2017). The human right to subsistence and the collective duty to aid. *The Journal of Value Inquiry*, 51(1), 33–50. <https://doi.org/10.1007/s10790-016-9552-y>
- Jones, C. (2013). The human right to subsistence. *Journal of Applied Philosophy*, 30(1), 57–72. <https://doi.org/10.1111/japp.12007>
- Lister, R. (2004). *Poverty*. Cambridge: Polity Press.
- Mancilla, A. (2016). *The right of necessity: Moral cosmopolitanism and global poverty*. London: Rowman & Littlefield International.
- Miller, D. (2007). *National responsibility and global justice*. Oxford: Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199235056.001.0001>
- Neier, A. (2006). Social and economic rights: A critique. *Human Rights Brief*, 13(2), 1–3.
- Nickel, J. (2007). *Making sense of human rights* (Second ed.). Malden, MA.: Blackwell Publishing.
- O'Neill, O. (1998). Rights, obligations and needs. In *Necessary goods: Our responsibilities to meet others' needs* (pp. 95–112). Gillian Brock: Boston: Rowman & Littlefield. Originally Published in *Logos* 6, 1985: 29–47
- Pogge, T. (2008). *World poverty and human rights: Cosmopolitan responsibilities and reforms* (Second ed.). Malden, MA.: Polity Press.
- Pufendorf, S. (1729. Original Edition). In J. de Barbeyrac (Ed.), Translated by Basil Kennet *Of the law of nature and nations* (Fourth ed.) (p. 1672). London: Printed for J. Walthoe.
- Raponi, S. (2017). A defense of the human right to adequate food. *Res Publica*, 23(1), 99–115. <https://doi.org/10.1007/s11158-015-9315-9>
- Scott, J. C. (1985). *Weapons of the weak: Everyday forms of peasant resistance*. New Haven: Yale University Press.
- Sen, A. (2009). *The idea of justice*. Cambridge MA: Belknap Press. <https://doi.org/10.2307/j.ctvjnr7n>
- Shue, H. (1996). *Basic rights: Subsistence, affluence and American foreign policy* (Second ed.). Princeton University Press: Princeton.
- Stemplowska, Z. (2009). On the real world duties imposed on us by human rights. *Journal of Social Philosophy*, 40(4), 466–487. <https://doi.org/10.1111/j.1467-9833.2009.01466.x>
- Tasioulas, J. (2007). The moral reality of human rights. In T. Pogge (Ed.), *Freedom from poverty as a human right* (pp. 75–101). New York: Oxford University Press.
- Tomalty, J. (2014). The force of the claimability objection to the human right to subsistence. *Canadian Journal of Philosophy*, 44(1), 1–17. <https://doi.org/10.1080/00455091.2014.900211>
- UNICEF. 'UNICEF Millenium Development Goals: 4. Reduce child mortality'. <https://www.unicef.org/mdg/childmortality.html>. Accessed 15 February 2019.

- United Nations. Universal declaration of human rights (UDHR). (1948). <http://www.un.org/en/documents/udhr/>. Accessed 12 February 2019.
- World Bank. 'Decline of global extreme poverty continues but has slowed: World Bank,' 2018. <https://www.worldbank.org/en/news/press-release/2018/09/19/decline-of-global-extreme-poverty-continues-but-has-slowed-world-bank>. Accessed 12 February 2019.
- Young, I. M. (2006). Responsibility and global justice: A social connection model. *Social Philosophy and Policy*, 23(1), 102–130.

## AUTHOR BIOGRAPHY

**Alejandra Mancilla** is an associate professor in practical philosophy at the Faculty of Humanities, University of Oslo. She works mainly on global justice, human rights, territorial rights, animal, and environmental ethics. She is the author of *The Right of Necessity: Moral Cosmopolitanism and Global Poverty* (Rowman & Littlefield, 2016), and the co-editor of *Theories of Justice* (Ashgate, 2012). Her work has appeared in the *Journal of Political Philosophy*, *Ethics and International Affairs*, *Journal of Applied Ethics*, *CRISPP* and *Grotiana*, among others. She currently leads the 3-year project "Political Philosophy Looks to Antarctica" and has some forthcoming articles on Antarctic colonialism and the moral legitimacy of the Antarctic Treaty System.

**How to cite this article:** Mancilla A. The human right to subsistence. *Philosophy Compass*. 2019;14:e12618. <https://doi.org/10.1111/phc3.12618>