To: Berkeley Readers

From: Samuel Moyn

Thanks for having me to the seminar. Attached as my paper is a chapter from a new book (Not Enough: Human Rights in an Unequal World [Harvard, 2018]). The chapter offers my account of the intellectual origins of “global justice” (understood as a movement in Anglophone thought, at least initially). It is only an account of origins in the 1970s, since its main afflatus came after 1989 (see below), for obvious reasons.

The chapter’s main idea is that some of the founding thinkers in philosophy in this field ought to be read in relationship prior events in the world – the New International Economic Order in the case of Charles Beitz, and the “basic needs” revolution in economic development in the case of Henry Shue. The book has two chapters that cover these twin events immediately prior to the one I am sharing. But it should read independently, and I can fill in details in person.

More generally, the book is built around the claim that the emergence of human rights politics in our time is profitably interpreted against the backdrop of the move from a welfare state political economy that featured concern for both distributive sufficiency and equality, to a “neoliberal” political economy in our time that – while accommodating some gains in subsistence and very modest equalization on a global level – has involved skyrocketing inequality in many national settings.

Methodologically, this chapter suggests that we read philosophy as capturing aspects of its age in thought, though it has the capacity to mourn some lost possibilities — if rarely to activate them in new form.
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“Whatever the other consequences of the demands by the Third World for a new, more egalitarian economic order, one thing is clear,” an intelligent observer of the vicissitudes of the New International Economic Order (NIEO) across the 1970s noted at the time: “those demands have given rise to an unprecedented debate on the subject of global distributive justice.” The invention of what is now called “global justice” in philosophy occurred alongside contemporary events and reflected shifting agendas as the field made its own move from equality to sufficiency. The first book in history propounding something like a philosophy of human rights on a worldwide scale consummated this move. It is not always true that philosophy captures its own age in thought. In this case, however, it did, providing an indispensable perspective from which to register the rise and fall of the New International Economic Order and its utopia of worldwide equality, before a human rights movement focused on sufficiency reset the limits of optimism for what proved to be a neoliberal age.¹

No such thing as “global justice” in distribution of the good things in life existed in mainstream philosophy until the decades after 1945, and the postcolonial states led the way in broadening the terms of social justice to the world. But while defending both equal and sufficient distribution of the good things in life on a worldwide scale became possible in philosophy, the new theories that resulted in philosophical circles had radically different fates. The egalitarian option—known since as “cosmopolitanism” to its advocates and critics—is still utopian and unimaginable as the standard of a movement in a neoliberal age. Pursuit of global subsistence rights, by con-
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...has enjoyed impressive practical support along the same timeline, not least in the form of an international human rights movement dedicated to securing the most basic features of livelihood. The trajectory of philosophy in the pivotal few years of the invention of global justice reflects the origins of our practical situation more or less perfectly.

American philosopher John Rawls’s *A Theory of Justice* (1971) had reflected many premises of the dream of national welfare during World War II and after, not least by calling for communities of justice to achieve material equality, if with special attention to the fate of the worst off. From the perspective of the era that followed, however, the book is illustrative for a new reason: Rawls’s restriction of distributive justice to boundaried states and peoples, which had gone without saying in the era of national welfare, suddenly became controversial, as developments in the course of the 1960s and 1970s challenged its self-evidence. Rawls’s thought registered the assumptions of national welfare on the brink of crisis, or memorialized hopes for their further extension when they were about to be eroded by a neoliberal revolution. At the beginning of the 1970s, the rise of international ethics in the face of scandalous famine inaugurated a novel emphasis on the ethics of global destitution, which would redefine “human rights” in the era since.

The demands of the NIEO for global equality, in its brief moment of prominence, prompted the appearance of the theory of so-called “global justice”—the scaling up of Rawls’s egalitarian national welfare state so that it became notionally worldwide. Not the abjection and poverty of the global south but its agency and challenge caused what Gunnar Myrdal had first called the “welfare world” to come to contemporary philosophy, if not to the globe since. On the grave of the dream of equality, however, a proposal to pursue the sufficient minimum of social rights took off, as a subsistence ethic for the globe transformed the conscience. Untethered from the NIEO, philosophy had the power on its own to memorialize unavailable egalitarian utopias in a neoliberal age. Allied to the new human rights movement, however, when philosophy prioritized a palliative ethics and meeting “basic needs,” it successfully canonized a new subsistence ethic for an unequal world.

For all the innovative aspects of the book that proved the swansong of national welfare in the United States, Rawls’s *A Theory of Justice* took up a surprisingly conventional picture of international affairs. Rawls assumed that the parties to his version of the social contract lost their classes, bodies (including genders), and cultures, but the national units of the historical world
persisted in the so-called “original position” from which he derived his principles of justice. In a brief discussion, Rawls postponed international affairs to a second-stage contract undertaken by state parties resulting in conventional minimal principles of world order. Human rights were unmentioned, and there were no distributive obligations. In short, it was an illuminating testament to the staying power of the post–World War II national framing of the aspiration to welfare.²

Ethical theory had never been lacking, but in the postwar era, as early global justice theorist Onora O’Neill mockingly commented, it had been concerned with “genteel examples of the minor dilemmas of life (walking on forbidden grass, returning library books)” and failed to take up “the harshest of ‘real world’ moral problems.” The Vietnam crisis galvanized it and prompted the creation of mainstream political philosophy nearly from scratch starting around 1970. In debates on the civil disobedience and conscientious objection of American youth, global justice was already lurking, but as the troops were drawn down after 1968, a far wider picture came into view. As Brian Barry, a talented political theorist trained at Oxford University who eventually wrote on global justice himself, later commented, “the Vietnam war was unquestionably the crucial external stimulus,” just as the publication of the “extremely long, poorly organized, and stylistically undistinguished” A Theory of Justice counted as the internal cause of the spike in the field. The characteristic themes in the early phase of international ethics, however, concerned war specifically, notably atrocity abroad and civil disobedience at home. Obviously, mainstream Anglophone philosophers were hardly the first globally to understand the questionable morality of the American Cold War or to criticize it on theoretical grounds. More important, the moral philosophizing unleashed by the Vietnam War really did not lead to the immediate invention of “global justice.” This suggests a need to search further into the 1970s for the propitious moment.³

In two rapidly crystallizing geopolitical contexts in the immediate aftermath of Rawls’s book, the global approach to justice he had excluded suddenly became imaginable. One was the so-called “world food crisis,” which became apparent just as the Vietnam War was being wound down. The Australian philosopher Peter Singer’s classic essay on famine, easily the most influential intervention on far-flung moral obligation both in that decade and since, originated in reflections on the displacement and hunger following the devastating cyclone and successful independence bid in what became Bangladesh in the brutal years of 1970–72. But this was mere prologue to
the crisis of the several years thereafter. It stoked continuing interest in destitution and prompted philosophers to debate with one another how best to justify deterritorialized obligations to aid. It would be a serious mistake to reduce global justice to a sentimental response to distant suffering, however. Alongside the specter of hunger, the egalitarian NIEO rose and fell, which reflected the invention of global justice with nearly equal power.

“As I write this, in November 1971, people are dying in East Bengal from lack of food, shelter, and medical care,” Singer began his landmark essay, which appeared in the third issue of *Philosophy and Public Affairs*, the intellectual epicenter for theories of global justice, in spring 1972. The child of Jewish refugee parents from Vienna, Singer had studied in Oxford and was a young instructor there. His own interest in faraway starvation, which he wrote much more about only after the Cold War, was a subsidiary theme in his writings of the period, but in virtue of its serendipitous timing, the effect of his early article was monumental all the same. In its few pages, Singer argued for an ethically radical conclusion in a series of disarmingly simple steps. First, suffering and death are bad. (Often taking up utilitarian positions, in his initial foray Singer actually did not specify why they were bad—he did not feel he needed to do so.) Second, if someone can prevent such bad consequences “without sacrificing anything of moral importance,” it is her moral obligation to do so. Introducing his memorable analogy of a child drowning, whom any reasonable moral actor would save (and would never abstain from saving just because of some minor cost like soiled clothes), Singer also insisted that distance made no difference to the assessment. Singer clarified that he further believed that any moral actor was required to sacrifice up to the point that anything of comparable moral significance came into play—not just her inexpensive clothes but her stacks of money—yet the weaker version of Singer’s thesis was so revolutionary that he was content with it. The implications of his straightforward premises, as Singer knew, demanded vastly increased philanthropy. “The whole way we look at moral issues—our moral conceptual scheme—needs to be altered; and with it, the way of life that has come to be taken for granted in our society.”

However powerful, Singer’s venture was new mainly in bringing the philosophical tradition into connection with a much older humanitarianism in a novel postcolonial situation. All along, since shortly after the death of its founder Jeremy Bentham in the early nineteenth century, a utilitarian version of consequentialism had had tight links to global affairs because its chief votaries were supporters—and not infrequently servants—of the British
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Empire. Empire was not gone in Singer’s day, but it fought its last battles in the 1970s in Portuguese central Africa, bloody struggles on which Anglophone philosophers did not comment because they had moved on from the default support of colonial projects that once characterized the larger societies in which they lived. Singer’s deployment of consequentialism for global ethics thus mattered much more because the world had become post-colonial while philosophy was cloistered than because there was no precedent for his views. Indeed, in his paper and throughout his later career, Singer framed the practical problem as one of how much philanthropy morality demanded from the wealthy in the world. To the extent that he did so, his argument fit in a familiar logic of humanitarianism, which erupted in the transatlantic sphere once again in response to secession crises both before and after the independence tragedy in East Bengal (subsequently Bangladesh) that motivated Singer’s paper. 5

And there were other features of Singer’s paper that left a great deal of room for further thinking. He homogenized foreign suffering regardless of its cause; its roots in endemic poverty, natural disaster, and civil war were apparently not philosophically relevant. Singer’s approach, despite its very general framework calling for global consequentialism, was explicitly framed to single out for attention the most grievous wrongs, whether natural or political, for succor. Singer’s approach was egalitarian, of course, in the sense that it took all human beings as equal—with their suffering equally worthy of concern. But he consciously distinguished his argument from what might ensue if one applied his principle across the board instead of merely in response to horrendous spectacle, and made no general call for equality of distribution of the good things in life. In this crucial sense, his essay framed international ethics as a matter of lessening evil. Singer’s ethics then and later dictated not institutional criticism of the world order—whether of post-colonial geopolitics or global distribution—but personal charity. As a first step, at least, the point was not even a governmental or mobilizational politics of subsistence, let alone global distributive equality. Rather, Singer made ethically pertinent alleviating the most visibly dire need, presumptively through one’s personal checkbook. 6

The crystallizing circumstances in the late Vietnam era that made Bangladesh of sudden interest to philosophers, and might otherwise have made that interest evanescent, were to continue thanks to the world food crisis that followed in 1972–75. Grain prices spiked and a wave of hunger killed millions, including one million in Bangladesh (again), as well as in Ethiopia
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and the West African Sahel. The causes were complex and included weather, large rises in Soviet grain imports, and persistent agricultural policy in some countries, like the United States, that subsidized some farmers not to grow grain to keep prices higher for others. The United Nations called a November 1974 summit in Rome known as the World Food Conference to address the calamity. Little was done, however, to create international famine response, although both particular governments and non-governmental charities acted; instead, new United Nations arrangements were envisioned to bring support to small farmers worldwide, who were hit hardest by forces beyond their control, like the weather pattern and global economy.7

As discussion continued amid headlines of scandalous global death, philosophers learned enough to be much more suspicious than Singer had been in 1971 of reigning fears of a worldwide “population bomb,” and they soon treated corresponding programs of population control with more skepticism. But the philosophy of global justice really came into its own when arguments for a politics of subsistence rights and an institutionalization of global equality were propounded. The first argument, though it awaited the human rights revolution of the later 1970s to become full-blown, had roots in the immediate aftermath of Singer’s essay. Onora O’Neill, the daughter of a high-ranking British diplomat hailing from Northern Ireland (and later a baroness), took the critical early step. She had earned her doctorate in philosophy under Rawls and taught at Barnard College in the period, beginning her career as a defender of socialism, penning a popular article defending Karl Marx’s dictum that ethical distribution takes place “from each according to his ability, to each according to his need.” Long after she stopped referring to Marx, in fact, O’Neill oriented her thought around the duties that needs prompt—but within a couple of years these were explicitly long-distance needs thrown up by the world food crisis.8

In “Lifeboat Earth,” her own milestone essay published in Philosophy and Public Affairs three years after Singer’s, O’Neill offered a vision of entitlement to subsistence as a matter of individual right rather than part of a vaguer and broader theory of bad consequences to avoid. “[F]rom the assumption that persons have a right not to be killed unjustifiably,” O’Neill explained, “the claim that we have a duty to try to prevent and postpone famine deaths” followed. It did so more narrowly, O’Neill thought, and therefore uncontroversially than in Singer’s approach. It was not just one piece of a vast global cost-benefit analysis. O’Neill’s trouble with Singer’s approach, she indicated, was its overbreadth. To say that moral actors had

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to help prevent bad things, assuming nothing important (or nothing comparable) had to be sacrificed in doing so, was so general a principle that in reality it required a massive calculus about where to start—not a specific focus on the truly important rights or needs. Even more important, famine deaths were not external and remote: the key fact, for O’Neill, was that in a newly “interdependent” world, we were related to people whose most basic rights, starting with their right to live, it was our responsibility to protect. The situation went beyond interdependence: O’Neill was in touch with growing claims that affluent citizens of developed economies were actually at fault for famine (although she registered no awareness of the NIEO proposals of postcolonial states oriented to global egalitarian reform of the same moment). Even so, she took it to be her task to explain, not the historical background or political remedy to famine, but why it violated individual rights.9

Oriented to visible famine, the new ethics of global hunger, whether based on bad consequences or basic rights, did not venture beyond the case for global moral obligations in the most exigent cases. But O’Neill’s approach proved indicative of where the field would proceed, in its attempt both to offer a rights-based theory and, albeit more implicitly, to connect theories of justice beyond borders to the unfolding reception of her teacher Rawls’s approach.

**Ethical Insight** into absolute destitution made justice a matter of intensifying philanthropic obligation, beyond mere charity but still a matter of palliation. Soon, however, this seemed simply too narrow for several mainstream philosophers. They wanted to make the international system a topic of inquiry into just social relations—as if it were possible to view the globe itself as just the sort of “basic structure” that Rawls had seen as the setting of just social relations in the national welfare state. In short, philosophers propounded their own vision of a “welfare world.” Here, the NIEO was to matter profoundly, for just as the world food crisis broke out, the global south also became the source of an open and quite shocking revolt against prevailing global hierarchy. And by the mid-1970s, once the vivid memory of starving children had passed, hunger and poverty became absorbed into an unprecedented (for philosophers) discussion of global inequality generally. Late 1976 saw the pioneering ethicist Henry Shue assert that just food policy was inseparable from fundamental principles of global justice, and leading philosopher Thomas Nagel argued similarly, in response to Singer in the same
year, that “charity is not enough” since “the ethical aspects” of the hunger are simply “part of the general problem of global economic inequality.”

For their propositions about the priority of egalitarian principles of international distribution over specific conclusions about food policy, both Nagel and Shue cited the momentous essay Charles Beitz published in *Philosophy and Public Affairs* in 1975, which anticipated his dissertation at Princeton, completed in 1976, defended in 1978, and published in 1979 as *Political Theory and International Relations*. A peripheral graduate student in the 1970s, Beitz turned out to be of tremendous importance in the long run. According to his Princeton friend Samuel Scheffler, at the time Beitz’s topic “was sometimes met with what I fear may have seemed like a kind of polite condescension, for [it] struck most of us as a bit peripheral to the main issues raised by Rawls’s theory.” But now it is apparent, he continues, that Beitz “helped to invent a new subject, the subject of global justice, which is today one of the most hotly debated areas within all of political philosophy.” Though he was only in his twenties, global justice was “the house that Chuck built,” as surely as the broader revival of liberal political thought that Rawls sponsored is “the house that Jack built.” Like Shue, who had preceded him in the program by a few years, Beitz and therefore global justice were a product of Princeton’s interdisciplinary program in political philosophy. For Shue this mattered because “few established philosophers . . . could have known enough about politics, especially international politics,” to get very far.

It was also the case that Beitz hoped not merely to debate Rawls but also to draw on his own prior history of activism to argue for a preexisting movement in the world that he found exciting. A graduate of Colgate University and a pupil of ethicist Huntington Terrell during the Vietnam War, Beitz worked for Terrell the summer after his college graduation, in a program funded by the Institute for World Order, to help construct the field of peace studies. Terrell’s pacifist leanings (his wife was a lifelong Quaker) led him to early membership in the academic movement, but after graduation, Beitz looked as if he were choosing a more activist path. His first publication was a coedited collection of readings based on this course and answering to the widespread hankering at the turn of the 1970s for a spiritual reorientation. He then worked with a friend to generate a broader guide for those whom the New Left and campus activism had inspired to change the world, starting at home. Only a brief concluding section of *Creating the Future* (1974), Beitz’s co-authored mass-circulated “guide to
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living and working for social change,” concerned global politics. It barely focused on distributive justice, but it did denounce a global hierarchy in which “all good things flow to the north or simply circulate within it.” Professing a “tenacious faith” in change from below, Beitz and his co-author recommended that those longing for renovation engage in consciousness raising and systemic criticism. “If you are somehow inclined to be a planner, and philosopher, a visionary, a poet, see if the idea of global society is not worthy of your prolonged creative energy.”

But Beitz was forced to choose a vocation in the midst of a waning of the New Left; as for so many, it would be as an academic. As Beitz had already registered in the preface to his guide for activists, it was “the ebbing, not the rising, of the tide of change” that set parameters for radicalism now. Philosophy as a career, and not merely his arguments in it, was a way of sheltering crashing hopes. Beitz’s decision to enroll at Princeton (after a brief stint at the University of Michigan) and his choice once there to move away from the more progressive professor Richard Falk—even if he embarked on his paper on global justice in Falk’s seminar—are illuminating. And the passage of time convinced him that the true problems in the world were not so much or only military, but also and mainly economic. “Questions of war and peace,” Beitz had written right out of college, “are far more profound than the traditional questions asked of international relations; they are bound up with the roles that each individual must choose to play in the world, with his or her personal fate and moral identity.” In his inaugural article, Beitz now noted that the recent focus on war and peace had “too often diverted attention from more pressing distributive issues.” Beitz’s project slowly registered the collapse of the New Left in the decade after 1970, but there was a closing window when the NIEO sparked his project of making the philosophical case for the globalization of egalitarian justice.

Put simply, it prompted Beitz to globalize Rawls to justify the demands of globalized egalitarian justice. What the Vietnam War was to liberal political philosophy generally, the NIEO, alongside the world food crisis, was to global justice particularly: the sensitizing event or rude awakening that precipitated a change in consciousness and the birth of an academic field. Because the NIEO fit an even more general sense that the time had come to elevate the redistributive sensibilities of the welfare state to the globe, it mattered most. In 1971, John Lennon asked his listeners to imagine a world beyond countries and hierarchy (and property), while in his own hit the same year, the folk star Cat Stevens sang of dreaming of the world as one.
The next year, Apollo 17 astronauts took a picture of the earth from space, known as “the blue marble,” that prompted unprecedented consciousness of unity on an integrated planet. “The brief record of man’s industrialising and modernising efforts suggests that, at certain critical moments, the political decision to abandon total reliance on largely automatic market mechanisms for distributing economic opportunity and income and to put in their place some system of distributive justice has given the whole society the chance of a new start,” observed Barbara Ward, easily the leading popular writer on global economic affairs of those years, in her submission to the UN’s food conference. “It is possible that some such turning point has been reached in the larger arena of the world and, for the affluent powers and groups, the most vital issue in survival is their ability to accept new standards of sharing.”

It is perhaps unsurprising, then, that the explosion of consciousness concerning world economic unfairness pushed against the limits of Rawls’s Theory of Justice, then and since at the center of philosophical debate about the nature of social justice. But it always takes an individual to notice, and Beitz was that person. A few others before him had noticed the implausibility of postponing world affairs to a second-stage contract, but Beitz became most identified with and spelled out the critique of Rawls’s rationale for allowing the nation-state to be treated as analytically and politically free-standing, even in what Rawls termed “ideal theory.” The criticism did not turn on the ethical significance of a prior violent history (including colonialism, whose importance the NIEO emphasized) in producing the peoples and boundaries that are morally arbitrary from the perspective of cosmopolitan universalism. Instead, Beitz targeted Rawls’s assumption that each nation was self-sufficient enough to be treated separately analytically and have its own social contract (and then state borders) politically.

In response, Beitz made two main arguments. First, the unequal distribution of natural resources worldwide forbade the simplification of treating global justice as a second-stage problem. Second, and more boldly, Beitz claimed that it was simply false to suppose that it was possible to disentangle states, especially for the purposes of a contract governing distributive justice in an age of multinational corporations, capital flows, and economic “interdependence.” Beitz argued that no one familiar with the empirical situation of the world in the 1970s—or at least the new perceptions of interdependence then—could conclude that entering separate state-based ventures in social justice was possible at all. “If evidence of global
economic and political interdependence shows the existence of a global scheme of social cooperation,” Beitz affirmed, “we should not view national boundaries as having fundamental moral significance.” The analytical expedient of proceeding directly to state-based contracts having failed, it followed that a global bargain would take place. If Rawls’s difference principle—allowing for distributive inequality only to the extent it helped the worst-off—applied, it did so in the first instance to world economic relations. “The state-centered image of the world has lost its normative relevance because of the rise of global economic interdependence,” Beitz concluded. “Principles of distributive justice must apply in the first instance to the world as a whole, then derivatively to nation-states.” While Beitz soon called his alternative “cosmopolitan,” he also effectively admitted that both his arguments followed much more from contemporary sources than from any texts in the philosophical tradition. Leaving aside the French Revolution’s apostle of humanity Anacharsis Cloots, Beitz furnished the first proposal for a global social contract in history, and it called for worldwide distributive equality.\(^{16}\)

Beitz later referred to that term he used, *interdependence*, as “part of the argot” of the era. He was right. The NIEO had offered its own definition of interdependence as a fact about world politics mandating its prescriptions for justice: when it came to basic principles, the NIEO declaration referred to it alongside sovereign equality and self-determination. “The true meaning of interdependence,” the Non-Aligned Movement insisted at its Lima meeting in 1975, the year of Beitz’s essay, must “reflect unequivocally the common commitment to build the New International Economic Order.” But the “true meaning” of interdependence was far from clear—and some worried that it could cover all manner of sins. Writing in *Commentary*, Robert W. Tucker, perhaps the most assertive American critic of the NIEO, decried “a new sensibility” among “liberal intellectual elites” which welcomed the drive for “interdependence” as a replacement “for a world in which the hierarchical ordering of states seemed natural and inevitable.” He referred as much to domestic sympathy, such as the “Declaration of Interdependence” that historian Henry Steele Commager drafted for wide circulation in 1975 as a bicentennial update for America’s founding principles, as to the NIEO itself. Tucker detected a new premise in the wind—one of “collective responsibility of universal application that heretofore has been applied only within the state and then only in this century (and in the United States only in the last generation).” And he sagely explained why it was leading
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well-meaning Americans astray, among other things into apologetics for third-world despotism who were hiding domestic oppression behind the camouflage of moral agitation for global economic fairness. Yet even Henry Kissinger, in a United Nations speech offered in late 1974 for an America back on its heels after the oil shock (and Vietnam), called for interdependence in response to crisis.17

When Beitz cited the worldwide maldistribution of natural resources as a response to Rawls’s account, the NIEO’s exceptional prominence drove the argument even when Beitz volunteered to improve it. The global south’s own approach had been to claim that nations enjoyed “permanent sovereignty over natural resources,” in order to attack the legacy of concessionary imperialism by voiding old extraction contracts or by expropriating multinational corporations of their ownership of precious things underneath the postcolonial soil. In 1975, Beitz treated that view as ethically flawed, even if potentially justifiable for the moment. It made more sense, he wrote, not to radicalize the principle of national sovereignty by extending it to natural resources, but rather to undermine the expectation that nature’s accidental gifts were anyone’s to own, especially since many postcolonial states suffered not the legacies of concessionary imperialism but the bad luck of poorly endowed territory. All the same, Beitz, signaling his support for the NIEO, ended by mitigating his worries about its natural resources principle on the grounds that it often made sense locally and temporarily, albeit not across the board and for all time, “to defend developing nations against resource exploitation by foreign-owned businesses and to underwrite a national right of expropriation.”18

When it came to the NIEO’s call for global distributive equality, by contrast, Beitz’s support was full-throated and uncomplicated. The NIEO was on ethically firm ground in demanding global institutional reform of the economic system for the sake of more egalitarian outcomes. Invoking its bill of particulars, Beitz clearly indicted the preeminent function of multinational corporations that, along with prevailing trade rules, created a dynamic in which “value created in one society (usually poor) is used to benefit members of other societies (usually rich).” Even more revealingly, Beitz, like O’Neill, relied on dependency economics, the school of thought widely believed to explain why global arrangements hurt the plight of the worst off countries, to conclude that “poor countries’ economic relations with the rich have actually worsened economic conditions among the poor.” In view of these facts, Beitz emphatically concluded, “Rawls’s passing
concern for the law of nations seems to miss the point of international justice altogether.” Similarly, Beitz wrote that Singer’s approach “appears to miss the point: any effort to produce a permanent shift in the international distribution of food would require drastic changes in the institutions through which the prevailing international distribution of wealth is maintained.” As Beitz concluded in 1975, “The duty to secure just institutions where none exist endows certain political claims [i.e., the NIEO’s] with moral seriousness. . . . When the contract doctrine is interpreted globally, the claims of the less advantaged in today’s non-ideal world—claims principally for food aid, development assistance, and world monetary and trade reform—rest on principles of global justice.”

Like his article, Beitz’s Political Theory and International Relations of four years later—though mostly written by 1976, it underwent two rounds of revision before publication—began its discussion of international distributive justice with an epigraph from the NIEO Declaration emphasizing interdependence. But much transpired as Beitz finalized his account, and he changed his mind about a great deal. For one thing, the human rights revolution, associated with Jimmy Carter’s election to the American presidency, intervened. Where Rawls had not used the phrase “human rights” in A Theory of Justice, after 1977, his followers began to do so. More important, the high tide of the NIEO in the context of which Beitz first imagined a global social contract in 1973–75 had passed. While faithful to both of his original arguments for global equality, Beitz now worked to present them much more clearly as an alternative to rather than a regrounding of the NIEO’s claims. These alterations are worth as much attention as the original arguments, because they indicate something of the spirit of the later 1970s, which was to leave global equality utopian, even as the goal of according minimum or sufficient distribution to suffering humanity emerged as more durably credible.

Beitz now turned to a fascinating indictment of what he called “the morality of states” and the claims of collective self-determination headlining NIEO ideology. In his original article of 1975, Beitz appended a passage referring favorably to a people’s right to self-determination—noting its violation in America’s interference with Salvador Allende’s Chilean experiment in democratic socialism. He also suggested that a theory of global justice could furnish reasons absent in Rawls’s non-interventionist approach for the international community to defend popular self-determination. Beitz’s mature text of 1979, however, took as its central purpose not simply the
plausibility of globally fair distribution but a version of it that meant that the NIEO’s rationale of self-determination—and perhaps the NIEO itself—had to be abandoned.21

Beitz concluded the NIEO’s call for equality, vague about exactly what its rejection of colonialism in the name of collective “self-determination” entailed, survived philosophical scrutiny only as “a means for promoting conformity with principles that would be agreed to in a hypothetical social contract. . . . Self-determination is the means to the end of social justice.” But the beneficiaries of that justice are individuals, rather than the peoples or states which the NIEO insisted on equalizing (though, in its defense, only in proportion to their population size). After all, Beitz wrote, “it is the interests of persons that are fundamental, and ‘national interests’ are relevant to the justification of international principles only to the extent they are derived from the interests of persons.” And this meant if it cut against empires, or South African apartheid, it was because self-determination cut against any claim of non-intervention supporting unjust regimes, including potentially the new states themselves. “While colonial government is usually illegitimate according to these principles,” Beitz observed, “there is no assurance that successor governments will be any more legitimate according to the same principles.”22

After these materials were added as a preliminary to a case for the rule of globally scaled principles of distributive justice, the results not only differed starkly from the still statist and nationalist premises of the NIEO (a movement of states claiming a national basis for a new international justice). Beitz’s adjustment likewise reflected a widespread feeling in the West, crystallizing at just this moment, that postcolonial self-determination claims had gone too far and provided a mask for the internal domination of new postcolonial elites claiming international oppression. This feature of Beitz’s argument fit perfectly in the turn against third-world nationalism and its subaltern vision of global reform, a turn that fed into the basic needs approach in development and the human rights revolution as deeply as any other input. As Arthur Schlesinger, Jr. put it in 1977, the breakthrough year for human rights in American discourse, “states may meet all the criteria of national self-determination and still be blots on the planet. Human rights is the way of reaching the deeper principle, which is individual self-determination.” Though still hewing to NIEO’s goal of equalizing distribution, Beitz wanted to index it to deserving individuals, which he now appeared to worry that the NIEO would never reach, even if it achieved its goals.23
Not coincidentally, Beitz dropped many of his originally more radical assumptions about why the NIEO mattered so much. He detached his account from his reliance a few years before on the “dependency” economics that afforded the NIEO its intellectual underpinnings. In his discussion of the urgent claims of economic self-determination so dear to the NIEO (and to which he relocated the original discussion from his article of north-south economic relations), Beitz reconsidered the aggressive charges that the rich immiserated the rest as empirically controversial. He now argued that, from an ethical perspective, the crucial step was to shift to a new framework in which it was not disempowerment of collective state economies but violations of individual rights that mattered. “It is especially unfortunate,” Beitz wrote, “that criticisms of dependence have been framed in terms of deprivation of national autonomy.” And even if dependency economics were correct, Beitz suggested, it would make more philosophical sense to articulate it in terms of violations of individual rights rather than of neocolonial collective domination. After all, “the objectionable features of dependence—like excessive exercises of state power or large internal distributive inequalities—might be reproduced by an apparently autonomous state.” It was a telltale sign that Beitz now agreed with the NIEO’s enemies that the third world could not hypocritically contest international hierarchy and go on to mistreat its own citizens. Similarly, retooling his discussion of economic interdependence in his case for a global social contract, Beitz now offered a much less emphatic diagnosis about the function of multinational corporations in promoting global unfairness.

With global justice, Beitz certainly offered an alternative to conservative American observers of the NIEO like Tucker, who worried that well-meaning elites were betraying the American national interest and Western hegemony out of good-hearted humanitarian sentiment positing cosmopolitan obligation. The pressure of expansive solidarity was suddenly considered “a necessary truth that needs no defense,” Tucker complained, though it had been “foreign to men’s imagination prior to the postwar period.” From his perspective, “the material issue is not whether any modern social ethics could pretend to provide enduring justification of existing inequality in international income distribution, but whether there is any modern social ethic that has sought seriously to justify income redistribution beyond the confines of the state.” Amusingly, on this point Tucker could cite to his defense none other than John Rawls himself: “In this regard,” he
added, “it is perhaps significant that the most widely discussed ‘theory of justice’ to appear in the West in many years has scarcely a word to say on the subject.”

In transcending the limits of a national welfare that, even in Rawls’s monumental account, had shortly before been the conventional wisdom, Beitz nonetheless moved to a specific “cosmopolitanism.” And he elevated into a matter of abstract principle the argument that critics of the NIEO like Tucker offered when they insisted that the alliance’s first and foremost goal was to achieve geopolitical change in the realm of power rather than individual justice in the realm of ethics. In another stormy passage, Tucker wrote: “However the state system is defined that is held responsible for present global inequalities of wealth and power, it is not the state system per se that is condemned. On the contrary, it is primarily through the institution of the state—and, of course, cooperation among the new states—that the historically oppressed and disadvantaged are to mount a successful challenge to persisting unjust inequalities.” Where Tucker inferred from this point that calls for global welfare concealed a dangerous power play under the mask of high principle, Beitz took from it the need to replace the NIEO’s call for global equity among states with one for global equity among individuals. For Tucker, “a global redistribution of income and wealth is not to be equated with a ‘new beginning’ in history if this redistribution is largely effected by, and in the name of, states.” For his part, Beitz wrote in an especially clear formulation in a related essay, “The effect of shifting from a statist to a cosmopolitan point of view is to open up the state to external moral assessment (and, perhaps, political interference) and to understand persons, rather than states, as the ultimate subjects of international morality.” The respective doubts about states claiming moral equity (and presumably the collusion of subaltern states the NIEO involved) clearly differed—but they overlapped, too.

Beitz never forbade the ethical validity of an international order based on states, but he did change the rationale for it, reducing nation-states to intermediaries, with no moral standing in themselves, between global principles and deserving individuals. In his book and later, Beitz made absolutely clear that the persistence of an interstate rather than global organization might satisfy the dictates of global justice. And when he turned, in Political Theory and International Relations, to spell out more fully the implications of the ethical move above states for the world as it stood, the results were (as in Rawls’s domestic setting) familiar in policy terms, however revolutionary.
they were compared to existing reality. As an ethical thinker, Beitz was primarily committed to a novelty and rigor in the way he came to his call for foreign aid as an obligation of egalitarian justice, rather than Singer’s call for a modicum of help or some theory of mandated basic provision. But the subaltern internationalism of the NIEO had no place in Beitz’s finished form of global justice, which generally went silent when it came to how an egalitarian world would ever come about.27

As late as 1981—two years before the global debt crisis that would definitively undo its dreams—the NIEO still elicited some sympathy from Beitz within severe limits. But like many others, he mainly shifted to emphasize that development of “largely indigenous processes” of growth would prove most important. Beitz ruefully concluded that “massive cash transfers may succeed only in removing incentives for increasing indigenous food production, and even institutional reforms like those of the New International Economic Order may only reinforce the structural inequalities found in many poor societies.” Not finding an agent for global equality to his liking, and worried that the third-world program of a welfare world was a mere pretext for domestic repression and unfairness, cosmopolitanism came to philosophy as an unfulfillable dream. “The real dilemma, and ultimate uncertainty, of global egalitarianism is whether a political coalition can be mobilized within the rich countries for completing the picture of which NIEO is only a partial outline,” Beitz was left to conclude. “It is hard to be optimistic about the prospects.”28

There was no political coalition available for global equality, but one would emerge to aim for provision of basic needs and the defense of human rights worldwide. Beitz’s philosophical “cosmopolitanism” emerged as a standing option in the intellectual scenery and came to loom very large in the discipline after the Cold War ended, memorializing a global egalitarianism that remained elusive in real life, much as the equalizing promise of the welfare state receded in a neoliberal age. As human rights politics emerged, a far more practically important form of international ethics was propounded, focusing on global entitlements to subsistence, fully developing the approach that had beckoned in O’Neill’s early response to Singer. In the hands of Henry Shue, this enterprise captured the turn away from any egalitarian option in global affairs to work within an international basic needs and human rights framework and to encourage state policy—in particular that of the American state—to take on global misery.
Global Ethics from Equality to Subsistence

As Beitz himself later recorded, “among the works of political philosophy stimulated by and contributing to” the rise of human rights to “the status of a lingua franca of global moral discourse,” no other book to date “has proved more seminal” than Shue’s. If Beitz’s Political Theory and International Affairs in some respects memorialized the road not taken, Shue’s Basic Rights, published in 1980, offered a window onto the one that was. It reflected a moment when a handful of American human rights activists wanted to incorporate an acknowledgment of the basic needs of humanity into their country’s foreign policy revolution, and in doing so anticipated today’s era of a global human rights movement that cares not merely about state repression but also about sufficient provision.

A courtly southerner from the Shenandoah Valley in rural western Virginia, and a pious Christian growing up, Shue had attended Davidson College in North Carolina before winning a Rhodes Scholarship to Oxford University in 1961. He spent the 1960s there and at Princeton, where he earned his doctorate, “a student deferment away from the Southeast Asian jungles” and writing about conscientious objection, slowly turning against a war he had initially supported on patriotic grounds. Teaching at Wellesley College and never publishing his dissertation, Shue initially wrote respectful interpretive essays on Rawls’s achievement. His path to tenure blocked, Shue was invited by his fellow philosopher Peter G. Brown to join the Academy of Contemporary Problems, a short-lived public policy research center initially founded by Ohio State University earlier in the decade. Hoping to verse himself in public policy and possibly to enter politics, Shue worked to organize thinking concerning American food policy in an age of international hunger before he followed Brown to the University of Maryland, where he helped launch the Institute for Philosophy and Public Policy in fall 1976.

This institute was the first of the ethics centers in the United States that married ethical theory and public affairs, and it was the central institution for the invention of global justice, holding pivotal events and publishing landmark volumes. Supported by the Ford Foundation and the Rockefeller Brothers Fund, Brown had founded the center with the explicit mission of informing public policy debate. Its location in Washington, D.C. and the coincidence of its founding with Jimmy Carter’s 1977 annunciation of an American human rights policy affected Shue’s thinking profoundly. As the institute started up, and with impeccable timing, Shue devised and organized a working group on human rights in American foreign policy that
included leaders and staffers from prior congressional activism and nongovernmental advocates—the ragtag band that did the work that made human rights eligible for visibility thereafter. He was perfectly positioned to respond when Carter famously announced his administration’s storied human rights policy in his January 1977 inaugural address. More than this, the basic needs revolution in development and U.S. Secretary of State Cyrus Vance’s May 1977 affirmation that vital needs for subsistence might become part of American policy also were clear incitements to Shue’s thinking. Similarly, his associations with Patricia Weiss Fagen and other activists and analysts urging a consolidation of human rights and basic needs paradigms gave Shue a mission: to define basic needs as basic rights. As with the rest of global justice in philosophy, for all its abstraction, Basic Rights was an artifact of an exceedingly specific time and place.31

Close to a decade older than Beitz, and unlike him a latecomer to relating philosophical argument to global politics, Shue embarked on his book in 1977, registering not the early- to mid-1970s of global distributive justice debates but those of the later human rights revolution alone. He thus intervened in a critically different way than Beitz, not galvanized by third-world egalitarian demands, but yoking a very different emphasis on bare sufficiency to the sudden prominence in American and especially Beltway international affairs circles of new rhetorics of basic needs and human rights. Global subsistence, Shue contended in a pathbreaking development, was a matter of human rights. Social rights were not a creature of national welfare, but a justification for international remedies for the worst indigence.32

Basic Rights opened with an epigraph from Albert Camus’s existentialist novel The Plague. Against the “relentless onslaughts” of pestilence and terror, Camus’s doctor protagonist had concluded, there was never going to be “a final victory.” In the portion Shue cited, this fact made it all the more important to honor “all who, while unable to be saints but refusing to bow down to pestilences, strive their utmost to be healers.” The epigraph brilliantly encapsulated Shue’s decision, at the opposite pole from Beitz, to seek not a full-scale theory of global distribution, but to focus on “the moral minimum”—“the least,” he explained in the book’s first line, “that every person, every government, and every corporation may be made to do.” He rose in defense of “a morality of the depths,” as he-movingly called it. “About the great aspiration and exalted ideals,” he observed, “nothing appears here. They are not denied but simply deferred for another occasion.” The theory of basic rights was supposed to “specify the line beneath which no one is to
be allowed to sink.” Shue did not rule out the importance of equality and excellence alongside security and subsistence. But in the spirit of Camus’s novel—which Shue cited again in closing, exhorting an alliance of human rights activists to the imperative of healing—it would also be fair to say *Basic Rights* was premised on a tragic moral outlook in which the permanence of evil required those who cared about good to seek a simple minimum of protection. Officially, it merely postponed global social justice of the kind Beitz cared most to harvest from the NIEO; but temperamentally, its healer’s ethic assumed that there was no perfect or permanent health, only endless disease to succor. (Forty years later, Shue chose the phrase “fighting hurt” to encapsulate the goal of his career.)\textsuperscript{33}

Shue’s epoch-making gambit was to insist that alleviation of global misery was everyone’s duty, correlated with the most basic rights of humans as such not simply to liberty or security but also to subsistence. In making it, he devised novel arguments with quite lasting effects both within and far outside the precincts of professional philosophy. His most abstract but profound contribution was to reconceive what a “human right” is. For Shue, it was always, among other things, a claim that imposed one or more positive duties. To that date, philosophical consensus had held that some rights merely imposed duties on the state (and possibly other actors) to *abstain* from violating them; and in this view it looked like social rights were different in kind, and possibly illegitimate, because they imposed duties to *act* to allow the rights to be enjoyed. Free speech merely requires the state not to interfere with it, while health care demands a state program. But Shue contended that all rights imposed a complex set of duties to abstain and act, and while the set might differ from right to right, there was no categorical difference between “negative” and “positive” rights, as philosophers had frequently believed. Shue’s trifurcation of the kinds of duties that every right involves—the duty to not violate it, the duty to keep third parties from violating it, and the duty to ensure its enjoyment—was later canonized in the United Nations as the command to “respect, protect, and fulfill” all human rights. More broadly, more than any other argument, it ultimately swung the philosophical consensus away from default skepticism about social rights.\textsuperscript{34}

The reason Shue undertook his philosophical revision of the nature of rights and duties in the first place, however, was to reach the conclusion that there was a set of basic entitlements that included *subsistence rights* as fundamental. No one who said they cared about human rights—as many

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Americans suddenly did in the years he wrote his book—could do so without treating subsistence rights as every bit as important as liberty rights, such as the freedom to speak, or security rights, such as the entitlement not to be tortured. “[T]he same considerations that establish that security rights are basic for everyone also support the conclusion that subsistence rights are basic for everyone,” Shue insisted. In this regard, Shue was facing down a Cold War philosophical consensus which, to the extent it took up the topic, had either refused to include or hierarchically downgraded the significance of “social rights.” This even included Rawls, who had claimed—outside historical or developmental states—that freedom of the person in particular and the basic rights that protected it were to be viewed as prior to and more important than the undertaking of distributive justice. After a transformative trip to Indonesia and the Philippines under the auspices of the United States Information Agency in 1978, Shue was weaned from his initial temptation of reversing Rawls’s priorities in order to argue that subsistence was more fundamental than liberty or security. His brief encounter with authoritarian development, especially in Jakarta, convinced him that such claims could buttress right-wing rule as much as they appealed to leftists who feared that liberals insisted on freedom in order to postpone welfare indefinitely. Shue had also authored a famous philosophical essay on the immorality of torture that appeared in Philosophy and Public Affairs, also in 1978; in Basic Rights, he explained that his point was not to “argue that liberty is secondary—only that liberty has no priority.” O’Neill, who had first responded to the call to justify the remediation of hunger in terms of the basic rights and not overall welfare, understood the significance of Shue’s breakthroughs both in rights theory generally and in vindicating the importance of subsistence specifically, later calling both moves “highly damaging” to preexisting assumptions.  

In making a case for global subsistence rights, Shue saw it as his task—much as Beitz and O’Neill had seen it as theirs—to translate dissident insight into the sources of and remedies for postcolonial hierarchy into palatable terms for his audience. In Shue’s case, that meant reorienting the concept of “human rights” to which people were already claiming allegiance in increasing numbers. “The original motivation for writing about basic rights,” Shue openly commented in his preface, “was anger at lofty-sounding, but cheap and empty, promises of liberty in the absence of the essentials for people’s actually exercising the promised liberty.” His goal, he continued, was “to make some contribution to the gradual evolution of a
conception of rights that is not distorted by the blind spots of any one intellectual tradition.” However, the truth is that Shue was not so much the philosophical translator of alternative philosophical traditions as the mouthpiece of dogged healers of the worst suffering in the global south. A onetime candidate for the ministry, after his dissertation, Shue had made an atypical and brief foray into Western Marxism in the early 1970s. However, his reading for Basic Rights indicates that his exposure to literature on global immiseration—as well as the crucial trip to East Asia, where he met a nun healing the poor and a lawyer defending them, to whom he then dedicated his book—mattered much more to his choices.36

The most potent influence on Shue’s thinking, however, came from a local and recent book he read—The Moral Economy of the Peasant (1976), by the political scientist James Scott, who happened to be a colleague of Shue’s wife. By that happenstance, Shue was introduced to Scott and his work, with its claim that peasants, no matter where in time and space they are, put subsistence at the center of their moral ideals and expectations. The claim had a titanic impact, convincing the philosopher of the preeminence of basic needs and rights. According to Scott, peasants in feudal Europe and colonial Asia organized their villages around providing enough to survive, and their attitude towards authority always emphasized the need to “guarantee minimal social rights.” As capitalism and colonialism both threatened their strategies and displaced former feudal authority, Scott maintained, rebellion ensued: outsiders thwarting immemorial strategies of subsistence, as colonial and later new states often did, invited endless trouble for their rule. What mattered to the global poor, Shue stressed, was that “all should have a place, a living, not that all should be equal”—a pivotal claim from Scott that Shue revealingly cited not once but twice in his short book. That peasants might want other things, like Christian redemption or secular revolution, had been entertained by Westerners before, but not now. A morality directed at basic subsistence instead of material equality followed, for Shue, not merely in view of right and wrong but also in view of what the global poor ostensibly wanted. And whatever the postponement of higher ideals in the name of the morality of the depths, it meant flirting with the rejection of distributive equality as a relevant moral ideal.37

This was a new departure for Shue, testifying to the impact of his reading of Scott and his travels abroad but, above all, to the collapse of equality and the surge of subsistence in a discontinuous moment in recent ethical history. Social justice was globalized and minimized. As late as his 1976
paper, Shue had been quite insistent (citing Beitz) that there was no avoiding the topic of global distributive justice overall for anyone interested in specific policy domains. To bracket it—for example to formulate a food aid or population control policy—endorsed existing injustice, given “our tendency to assume that we are entitled to all our wealth, however gained” as if it was incumbent on poor countries to reduce their population before deciding whether it was fair for them to be poor in the first place. How many human beings India could “carry” or sustain would differ drastically, Shue concluded, if the global south “benefitted from a ‘new international economic order.’” Conversely Beitz, in a contribution to a Maryland center conference and volume on American human rights policy, argued—against the grain of the north Atlantic human rights revolution of the 1970s but in tune with basic needs rhetoric—that the philosophical reasons often marshaled for favoring “first generation” over economic and social rights were unconvincing. A theory like Rawls’s, whatever its commitment to the priority of liberty from coercion over distributive justice, demonstrated that human rights were best conceptualized within an overall theory of social justice that allowed the two commitments to be balanced rather than ranked in a simple hierarchy. And Beitz’s arguments were designed to support the same meliorist policies on the part of northern governments that Shue emphasized; the main difference between them was whether to argue for those policies on grounds of equality or subsistence. Yet Shue’s subtle departure from egalitarianism by the time he finished his book was revealing.38

Beitz had been sufficiently undeterred by mounting objections to Rawls’s difference principle to make his task its straightforward elevation to the world stage. Shue rose in anger, reacting not so much to Rawls’s failure to internationalize equality but rather—and much in parallel to earlier critic of Rawls Frank Michelman at the level of the domestic welfare state—to Rawls’s failure to argue for an absolute social minimum in directing justice to the moderation of inequality in distribution overall. In fact, Shue’s commitment to a rights-based global social minimum broke rather fundamentally as much from Beitz’s global egalitarianism as from Rawls’s domestic egalitarianism—and he knew it. “Like someone committed to the fulfillment of subsistence rights, Rawls does focus his theory upon the fate of the worst-off,” Shue acknowledged. “But instead of providing a floor, or, to change the metaphor, a life-preserver, Rawls provides only a rope, hitching the worst-off (in a rather loose way) to all of the better off.” It was true, in other words, that any increase in wealth at the
top, on Rawls’s theory, was allowable only insofar as it helped at the bottom. “But Rawlsian theory contains no provision that everyone’s head must, for a start, be held above the surface of the water,” Shue continued. “The Rawlsian difference principle can be fulfilled while people continue to drown but with less and less water over their heads.” Social rights mattered as standards of absolute needs, irrespective of the general distribution of income or wealth. If so, Rawls’s egalitarian principles were wrongheaded domestically—and simply more graphically on the global scene, where millions could die from hunger every year and more lived in unending penury. Similarly, in his otherwise enthusiastic published review of Political Theory and International Relations, Shue was actually quite critical of Beitz’s respectful elevation of Rawls’s difference principle to the world stage. The fact that some principle of global distributive justice existed, as Beitz had demonstrated, hardly meant that it had to be an egalitarian one. In his deference to Rawls, Shue wrote, Beitz had not shown “that a difference principle would be chosen to guide international transfers, even if it would be chosen in the initial Rawlsian national case (as is doubtful).”  

As a contributor to global justice discourse, therefore, Shue bracketed or dropped equality in the name of sufficiency, intent on showing that nobody should accept a global justice that did not at least vindicate subsistence rights—and that foreign and global policy should concentrate resolutely on that vindication first and foremost. And what Shue did not say was as significant as what he did. Unlike Beitz, by 1979 Shue apparently saw no respectable third-world agenda to either engage or oppose, and no global distributive equality (whether of states or individuals) as its ultimate prize. Unlike Beitz, Shue did not attack a putative ethics rooted in third-world sovereignty; he simply paid its claims no mind. When it came to collective ethics, his concern fell, like so many others’ after Singer, on whether compatriots of wealthy nations had special obligations that overrode the exigent claims of outsiders, even to basic subsistence. Shue’s victim-orientation in what was the first true work on international human rights in philosophy also functioned to put brakes on the indefinite expansion of obligation that some feared as infeasible. Beginning with O’Neill and continuing in Shue, setting a minimum threshold based in rights, as least as a matter of initial or immediate obligation, allowed a response to charges that global ethics involved moral burdens that were simply excessive. Shue’s conclusion was that if America could not be, like Camus’s doctor, a “true healer,” that it “can at least try to take the victim’s side.”

Oriented by the Maryland center’s mandate, Shue closed his book with a series of recommendations for the policies of the United States government, proposing to start with official recognition of subsistence rights. He did not address the United Nations or the international system—though his work was to have its greatest impact there—but the American state alone. Doing so may not have been implausible at the time. Shue was able to cite the very minor assurances within Carter-era Washington, D.C. that the human rights revolution would engage distributive justice. The country, some hoped, might take more ownership over the global situation, in light of the absence of better actors. For many northerners, the United Nations had become little more than a forum for third-worldist apologetics for despotism. An America recovering from the depths of the Vietnam War was hardly an ideal agent of justice, but who else was there?\(^4\)

Hoping to seize this moment of perceived opportunity to redirect the human rights movement and American human rights policy at the time of their inception, Shue recommended conditioning American foreign assistance on the insistence that beneficiary states not deprive their own citizens of their basis of subsistence. He also suggested better regulating corporations operating abroad. But insofar as Shue aimed his philosophy at policy change, events quickly revealed his moment as anything but propitious. In practice, Carter’s administration treated the provision of basic needs as rhetorical. Not only the American state, but even the bulk of the non-governmental human rights movement lopped off economic and social rights from the era of national welfare and from the Universal Declaration of Human Rights as if they had never been—until social rights were laboriously restored (and never to American foreign policy) decades later. And with Ronald Reagan’s election the year *Basic Rights* appeared, any belief in the promotion of a global social minimum in the human rights movement must have seemed wholly premature. As one of the earliest of many enthusiastic reviews of Shue’s book observed, “The Reagan administration’s hostility to human rights activism promises a chilly reception for Shue’s arguments for a right to subsistence.” Even the northern human rights movement proved immune: Shue would have to wait until the end of the Cold War to see the shifting priorities of that movement take social rights on board.\(^5\)

Shue later dropped his policy recommendations when his book was republished, but they are critical to the moment in which even its most abstract philosophical interventions were framed. It seemed believable, though unlikely, to reorient the human rights revolution of the years during which
the book was composed to assume responsibility for distributive justice. But in Shue’s hands, and that of the human rights movement that followed, it was an expansion that bracketed inequality as the political crisis to confront in the name of treating the most abject misery as the disease to heal.

While the succor of faraway suffering (itself rooted in longstanding humanitarian sentiment and practices) and the attempt to vindicate subsistence rights have enjoyed major practical support since, the philosophy of global egalitarianism remains a file in the archives of utopianism. Shue’s clarion call for a philosophy of subsistence rights offered a vision of sufficiency across the distribution of the key human goods that anticipated a world in which equality is not a concern or is postponed until later, while bands of Camus’s healers operate to bring to the suffering their moral due of subsistence.

The birth of global justice involved a remarkable philosophical consensus about the individualization of the basis of social justice. Whether as a matter of their interests or rights, all the founders argued in terms of the prerogatives of individual persons as the sole foundation of any transnational justice. The more collectivist claims of third-world nationalism or internationalism, like those of the welfare state before Rawls, were abandoned. It was Beitz who—keenly aware of the arguments of third-world political leaders and their very different ethics of collective self-determination—had made this shift most explicitly, aware that there are alternatives to it; but for Shue, too, sympathy for foreign suffering did not translate into any deviation from an individualistic basis for ethics.

Shue clearly registered his awareness that powerful agency is collective. “The burdens connected with subsistence rights,” he wrote in a powerful passage redolent of Scott’s studies of peasants, “do not fall primarily upon isolated individuals who would be expected to forgo advantages to themselves for the sake of not threatening others, but primarily upon human communities that can work cooperatively to design institutions that avoid situations in which people are confronted by subsistence-threatening forces they cannot themselves handle.” His concrete recommendations were directed to the new human rights movement and, through its pressure, the American state. Yet even though—in a remarkable aside in a footnote—Shue protested “the distorting atomism at the heart of liberalism,” he, too, erected his argument for the rights to subsistence firmly on individualistic grounds.43
It may seem striking that the different options in the age of “global justice” have the selfsame starting point in an exclusionary moral individualism as economic liberalism does, poles apart from the nationalist premises of the welfare state in the global north and attempts to transplant it to the global south in the prior era. In this resolute individualism, the birth of global justice looks like it testifies to the enormous power—and possible limits—of a moment when international human rights in ethics and globalizing market fundamentalism in economics became companions on the road towards the present. Similarly, the version of global justice that found institutional and mobilizational support, with egalitarianism memorialized in books and the goal of subsistence slowly taken up in practice, might have required the adjustment of neoliberal priorities, but not their relinquishment.

But its ethical individualism and its compatibility in its practically realized form with the endurance and explosion of inequality hardly make of global justice a neoliberal cause. The same was to be true of the human rights movement itself, though it shared the same foundations and timeline as the shift in political economy. The unnerving results do, however, pose hard questions to philosophy about whether and how it can truly guide events, just as the human rights movement would struggle within the neoliberal cage it did not build but could not exit. The defense of equality in Beitz, as in Rawls before him, was moving, but if it did little more than let fly the owl of Minerva at dusk, what was its use? We need ethics, but philosophy seemed mainly to register losses by proclaiming a principle of distributive equality just at the time when the welfare state was about to suffer unending waves of assault, and a postcolonial dream of a global welfare was spurned.

What could survive outside of theory was not distributive equality, but a more minimal commitment to sufficient provision and the global basic rights that now justified it. Even then, with global ethics rescuing a cosmopolitan utopia from historical disaster, it has never been altogether clear how great a role its guise of pursuing subsistence has played in making the aftermath at least more humane. The results threw the very value of the ethical enterprise into doubt. To fend off all those who have doubted that ethical principles could ever make much difference, the outcome raised the still-live challenge of how morality as philosophers propound it can change the world rather than mourn or humanize defeats. As Beitz worried in closing his touchstone essay inventing global justice, “If we cannot expect moral theory to provide a firm guide for action, one might wonder whether moral theory has any practical point at all.”44
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6. Global Ethics from Equality to Subsistence


thinking, but that book, sadly, is absent from Harvard University’s archivally preserved selection from his library.


9. Onora Nell, “Lifeboat Earth,” Philosophy and Public Affairs 4, no. 3 (1975), 273, and 279n on Singer and the claim that obligation is “a corollary of any nonbizarre ethical theory which has any room for a notion of rights,” as well as 283n for citations to Marxist dependency literature. For far more, stressing the population control dimensions of the earliest work, see the brilliant work of Hester van Hensbergen, “Famine, Morality, and Modern Moral Philosophy, c. 1967–1980” (forthcoming). Shue’s work, discussed below, is good evidence of eventual skepticism about claims about population explosion and management.

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19. Ibid., 373, 375 and n. (citing dependency theory), and 385. For the comment on Singer, see Charles R. Beitz, “Bounded Morality: Justice and the State in World Politics,” *International Organization* 33, no. 3 (1979), 418.


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24. Beitz, Political Theory, 119, 120. For radical economics, compare the subtle differences between Beitz, “Justice,” 375n, and Beitz, Political Theory, 150n; compare 116–19. On corporations, compare Beitz, “Justice,” 373 and n, with Beitz, Political Theory, 145 and esp. nn. More generously, Henry Shue interpreted Beitz’s case (without noting that it was a revision in its empirical basis) as a “minimalist” one, strategically avoiding reliance on leftist “world-systems theories, dependencia theories, or any of a number of other kinds of reasonably well-supported theories according to which the economic ties among nations are considerably stronger (and more vicious) than Beitz claims—he relies mostly upon the work of mainstream U.S. academics.” Shue, “The Geography of Justice,” 717–18.

25. Tucker, The Inequality of Nations, 139.


34. Shue, Basic Rights, chap. 2, as well as Shue, “Rights in the Light of Duties,” in Brown and MacLean, eds., Human Rights and U.S. Foreign Policy.

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Justice, and Development (London, 1986), 114–15 (this book is O’Neill’s considered response to the debates of the prior decade). In the prior era, few had risen to defend the priority of civil and political rights within human rights explicitly, with the (for Beitz, Shue, and others, glaring) exception of Maurice Cranston, Human Rights To-day (London, 1955, 1962), published in the United States as What Are Human Rights? (New York, 1963) and later revised heavily under the latter title (London, 1973); echoed by Columbia University philosopher Charles Frankel in the midst of the human rights revolution in Frankel, Human Rights and Foreign Policy (New York, 1978), 36–49. But it is true that such prioritization fit well with liberal sensibility that Rawls had defended in his own terms. Shue’s revolt against the priority of liberty in 1980 should be compared to his respectful reconstruction of it in his 1975 Ethics essay cited earlier. For the proviso concerning the allowable prioritization of development in certain cases (he clearly had postcolonial states in mind), see Rawls, A Theory of Justice, 247–48; see also 62–63.

36. Shue, Basic Rights, ix.
37. Henry Shue, “Lukács: Notes on His Originality,” Journal of the History of Ideas 34, no. 4 (1973): 645–50. James Scott, The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia (New Haven, 1976), 40, cited by Shue, Basic Rights, 28, 207–8n (emphasis added); and Scott, Moral Economy, 184, for social rights; Shue’s partner Vivienne Shue, a China specialist who taught alongside Scott in the Yale political science department, made the connection. The philosopher also registered the importance of Benedict J. Kerkvliet, The Huk Rebellion: A Study of Peasant Revolt in the Philippines (Berkeley, 1977), 252–55, a passage Shue cited for proving the “deep belief in a right of subsistence” of peasants (Basic Rights, 184n); the point of interest is what Shue found compelling in an examination of the communist revolutionary bid brutally put down in the 1940s with large U.S. assistance. Similarly to Beitz, Shue was also completely aware of an emerging literature on the deleterious effects of multinational corporations (Basic Rights, 188n).
39. Shue, Basic Rights, 128; Shue, “The Geography of Justice,” 719. The image of people who would drown without a basic minimum came, this time unacknowledged, from Scott, who in turn owed it to R. H. Tawney, Land and Labor in China (1932; Boston, 1966), 77. Shue surmised from these considerations that people might well reserve the right to take the means of their subsistence violently rather than enter any social contract (local or global) that did not provide them with it. “Is it clearly more rational,” Shue wondered, “to agree that one’s fortunes may permissibly be indefinitely low, provided only that when those who are already better-off than oneself become still better-off, one’s own fortunes must improve at least slightly, rather than trying, at least where there is some prospect of success, to mobilize effective opposition to any system
of institutions that does not redistribute available wealth until everyone has an adequate minimum?” (129). The answer was not obvious: you might well bargain for your own subsistence—and equal social relations only past that threshold—and enter no agreement without it.


41. Shue, Basic Rights, chap. 7.


43. Shue, Basic Rights, 63–64, 192n.


7. Human Rights in the Neoliberal Maelstrom

