

# Henry Shue on Basic Rights: A Defense

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**Abstract** In light of the many recent criticisms of Henry Shue's philosophy, this article provides a defense of Shue's philosophical argument for basic rights. The author demonstrates that the latest criticisms made by Thomas Pogge, Michael Payne, and Andrew Cohen misconstrue Shue's position, and therefore fail to overturn the soundness of Shue's argument. Against those who contend that basic rights demand too much, both logically and morally, the author argues that basic rights serve as the minimal threshold for human dignity and the foundation for all other rights. Consequentially, the overall moral landscape is skewed if basic rights are absent.

**Keywords** Basic rights · Human rights · Moral right · Subsistence · Correlative duties

## Introduction

I wish to defend Henry Shue's (1980) realistic but elusive argument for basic rights. Broadly speaking, Shue argues that all human beings require basic rights, namely, security and subsistence, in order to enjoy their other rights. A defense of this argument—which has been highly influential in shaping public debates on human rights and international responsibility (Beitz and Goodin 2009, p. 11)—is nothing new, of course. Paul Woodward (2002) gave an account in light of Robert Coburn's (1976) critical thesis on the virtues of not providing aid to the indignant. Since then, however, several philosophers (Lichtenberg 2009; Payne 2008; Pogge 2009) have put forth criticisms that purport to overturn the soundness of Shue's argument. Surprisingly, while Shue has not replied to these critics, only one philosopher has attempted to defend his views. Elizabeth Ashford (2009b) has recently delivered a remarkable exposition on the right to subsistence, which, at times, takes aim at some

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of Thomas Pogge's (2009) criticisms. Though Ashford's exposition is a thorough defense of subsistence as a basic right, there is much more to be said on Shue's behalf, especially given the additional criticisms made by Pogge and other philosophers who claim to have refuted Shue's instrumental argument on basic rights.

What follows in this paper is a direct reply to Shue's critics and an analytic defense of his main philosophical position. For sake of brevity, I will not consider every criticism aimed at Shue, such as those that concern exact measures on foreign aid and global poverty (e.g., Miller 2009). Instead, I will focus on those that are most critical of the case he makes for basic rights. My central thesis is that Shue's critics misjudge key aspects of his argument in some way or another, and thus they fail to overturn the soundness of it. Specifically, Shue's critics misconstrue his definition of a moral right, his notion of basic rights, and his understanding of correlative duties. Besides demonstrating that these elements remain intact, my underlying goal is to show that Shue's philosophy remains influential and durable, notably for arguments that concern human rights and economic justice. So, what is proposed is a brief attempt at vindicating Shue's philosophical views.

I develop my defense in three stages. In the first section, I attempt to reiterate Shue's argument for basic rights. I then outline the three most persuasive criticisms aimed directly at Shue's central ideas in the second section. In the final section, I provide a defense of Shue's basic rights in light of his critics.

## Shue on Basic Rights

The three notions that undergird Shue's argument call for some elucidation at the outset. They are the notions of a moral right, subsistence, and basic rights. By examining each in turn, we shall gain a vantage point over Shue's argument.

First, a "moral right" for Shue is that which "provides (1) the rational basis for a justified demand (2) that the actual enjoyment of a substance be (3) socially guaranteed against standard threats" (Shue 1980, p. 13). The first and third components go beyond the standard justification of rights and correlative duties—that is, person P has a claim right to *x*, and against party R, if and only if R has a correlative duty to refrain from interfering with P enjoying *x*, or the correlative duty to aid P in obtaining *x* (e.g., see Blackburn 2005; Feinberg 1970)—and maintains that if person P can make a rationally justified demand to *x*, then relevant other people R have the duty to take institutional steps to protect P's enjoying or obtaining *x* from standard threats (p. 17). What this presumes is that, because standard threats will vary with time and place, the institutional steps that socially guarantee the right in question cannot be determined a priori. Instead, they are arrived at by considering the nature of the right, the range of threats against it, and the people who have what Shue calls the institutional means "to avoid depriving," "to protect from deprivation," and "to aid the deprived" (p. 52). For instance, consider an example from Shue himself. If a village obtains its entire subsistence from a local plot of land, which a corporation has recently acquired, then that corporation bears the duty to avoid depriving the village of its basic right to subsistence, while the local government or person who sold the land bears the duty to protect or aid the village (pp. 41–46). With regard to the second component of Shue's

moral right, the “actual enjoyment” phrase highlights the substantial factor of rights, namely that to enjoy any right requires reliable, not infallible, provisions to secure the good in question. What Shue means by “enjoy” is that the advantage of the right is not merely declared but secured for whomever it applies. To illustrate, consider Andrew Cohen's (2004, p. 265) example of someone who associates freely with others: though they may not be assaulted today, unless effective arrangements are made to prevent assaults against free association tomorrow, the right is insecure, and hence is not enjoyed. In sum, these three components, though brief, illuminate the fact that having a moral right is not merely proclaiming some demand, but rather being in a dignified position to have the advantage to whatever the right in question secures.

Second, by “subsistence” Shue means “what is needed for a decent chance at a reasonably healthy and active life of more or less normal length, barring tragic interventions” (p. 23). Albeit general, Shue's description demarcates the middle ground between glut and dearth. For Shue states that subsistence lies somewhere between the extremes of providing for every human need and providing for none at all. Regarding the nature of subsistence, then, Shue thinks it is whatever provides minimal economic security. Hence, depending on the region, it may include but not be limited to: “unpolluted air, unpolluted water, adequate food, adequate clothing, adequate shelter, and minimal preventative public care” (p. 23). While the skeptic might complain here that this definition already demands too much at the onset, it should be kept in mind that Shue's definition reflects the minimal economic securities outlined by Article 25 and 28 of the *Universal Declaration of Human Rights*.<sup>1</sup>

Third, according to Shue, a “basic right” provides the rational basis for a justified claim to the enjoyment of some substance that is a necessary constituent for the enjoyment of any other right (p. 13). As such, a basic right—a core aspect of every other right that includes the right to security, to minimal subsistence, and to protection from standard threats—serves as the sufficient reason to demand the things that any self-respecting person would be expected to require in order to enjoy other rights. For Shue, subsistence and security therefore specify the threshold for upholding human dignity. In moral terms, he calls it the “morality of the depths,” that is, the bottom-line “below which no one is allowed to sink” (p. 18).

With the above in mind, we are ready to examine Shue's central argument for basic rights. Here is a thumbnail sketch:

1. Everyone has a right to something.
2. Some other things are necessary for enjoying the first thing as a right, whatever the first thing is.
3. Therefore, everyone also has rights to the other things that are necessary for enjoying the first as a right (Shue 1980: 31).

<sup>1</sup> Article 25 states: “1. Everyone 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. 2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.” And Article 28 states: “Everyone is entitled to a social and international order in which rights and freedoms set forth in the Declaration can be fully realized.”

This can be spelled out a bit further as follows. The first premise is the presumption that every human being has at least one right, a premise so reasonable that the burden would be to demonstrate otherwise.<sup>2</sup> The second premise states that basic provisions are often necessary to enjoy the first as a right. The final premise drives the previous point home. It states that without subsistence and security, someone is in danger of losing their health or life, and therefore cannot truly enjoy their other rights (p. 25). Consequentially, if a person has a right to *x*, they must have basic rights that socially guarantee provisions to enjoy *x*.

Yet this argument would render little bite without deontic teeth; hence Shue proposes that three correlative duties relate to basic rights. Again, these duties include the duty to avoid depriving, to protect from depriving, and to aid the deprived (p. 52). The first can be understood in the traditional sense of a negative duty, where relevant persons are obliged to act in ways that do not cause the deprivation of others. The second can be seen as enforcing the first, mainly through the design of laws or policies that shield people from inadvertent deprivation (pp. 41–3). The last can be characterized as capturing the second if it fails, especially in cases where the persons deprived are victims of unfortunate circumstances (p. 61). Taken together, Shue argues: “it is impossible to protect anyone’s rights to physical security without taking, or making payments toward the taking of, a wide range of positive actions” (p. 31). This is because both positive and negative duties are required to ensure security and subsistence, which are equally necessary for the enjoyment of most other rights.

Shue argues that these “positive actions” are correlative duties that fall on individuals or institutions. Here I assume that “institution” means an organization with stable norms, rules, and principles that both constitute individuals as social agents and regulate their behavior (Reus-Smit 1999, p. 13). First, the duty to avoid depriving, like all duties that honor the rights of the person, applies to all individuals (Shue 1980, p. 112). Second, the duty to protect people from being deprived falls on national and lower-level governments since it is their responsibility to oversee social planning that protect citizens (p. 113). Lastly, the duty to aid pertains to the affluent. For Shue, the affluent are “those who spend absolutely large amounts in the satisfaction of mere preferences” (p. 119).

To support this final point, Shue provides two reasons. The first is that the affluent insult and degrade the indignant by controlling material resources and engaging in wanton consumption (p. 122). Second, gross affluence skews the moral landscape. For instance, it is unfair for the affluent to expect the indignant to respect their property rights while the former overlooks the basic needs of the latter (p. 127). The affluent, then, to avoid insult and to respect fairness, shoulder the responsibility

<sup>2</sup> The reasonableness of the premise comes down to the following conditional and consequence: If human beings have at least one right *R*, then they also have the right *R'* to the provisions necessary for enjoying *R*. This conditional, which Shue uses as his first premise, harkens back to H.L.A. Hart’s first premise in his defense of natural rights: “if there is at least one natural right, the equal right of all men to be free” (Hart 1955, p. 175). What is philosophically robust about Hart’s and Shue’s conditional is that it turns on the proposition “if people have rights,” which makes it clear that we may in fact not have any. It therefore sidesteps the philosophical burden of having to prove such rights exists, and instead presumes such to demonstrate the necessary truth of the claims in question. The conditional follows from the first and is thus sound (see Beitz and Goodin 2009, p. 6).

to aid the global poor. Though Shue remains silent about what the exact costs and benefits this would entail, he does say that minimal aid would be sufficient to guarantee the basic right to subsistence (p. 106).

### Criticisms of Shue's Basic Rights

In light of the foregoing, we can now consider the recent criticisms that purport to overturn Shue's argument. These take aim at Shue's (1) definition of a moral right, (2) argument for basic rights, and (3) notion of correlative duties. Let us consider each in turn.

Firstly, the standard argument against definitions of a moral right, going back at least to G.C. MacCallum (1967), is from the angle of application. The gist of the argument is that any definition of a moral right must be reasonable enough that we can actually construct effective protections for each of its apparent features; the definition is inapplicable otherwise. In terms of Shue's definition, Pogge's (2009) recent criticism gets at the problem. First, Pogge reminds us that we must be able to meet the three features that Shue's definition provides for it to be applicable. Second, Pogge argues that Shue's three features stand or fall together, because they are necessary and jointly sufficient conditions for some person P to have a moral right to x. Logically speaking, Pogge claims that they translate to:

- (A) P actually enjoys x.
- (B) P's enjoyment of x is socially guaranteed against standard threats.
- (C) P enjoys x as a right (Pogge 2009: 115).

Taken together, "a moral right to x is fulfilled for P at time t if and only if all three conditions are met at t" (p. 113). According to Pogge, this definition is too rigid for any meaningful application. For one thing, it is generally impossible to ensure A despite B. An example of such is freedom from assault. Despite adequate social arrangements, which guarantee freedom from assault, people everywhere remain prone to assaults (p. 116). For another thing, A and B are often satisfied without C. Consider charity to the homeless, for instance. Through soup kitchens and food drives, the homeless enjoy socially guaranteed subsistence without it being a right (p. 116). In light of these counterexamples, Pogge concludes that Shue's definition is inapplicable.

For Michael Payne (2008), however, the reason that Shue's definition of a moral right is negligible is that it misconstrues what it means to have and to enjoy rights. The problem centers on the term "enjoys"—the subtle but common term that threads Shue's entire argument. On the one hand, Shue infers that to "have" is to "enjoy" rights. "It is analytically necessary," concludes Shue, "that if people are to be provided with a right, their enjoyment of the substance of the right must be protected" (Shue 1980, pp. 32–3). Yet this inference is based on an earlier assumption made by Shue, namely that people ought to enjoy their rights. Shue presumes, "It is not merely that people should 'have' their other rights in some merely legalistic or otherwise abstract sense compatible with being unable to make any use of the substance of the right" (p. 20). According to Payne, Shue thus concludes what he assumes: that person P cannot have a right unless P enjoys it. To

be sure, unless Shue demonstrates that all rights are insecure outside his definition, he begs the question of what it means to have rights.

Secondly, the criticisms of Shue's argument for basic rights, very similar to the above objections, and just as critical, also take aim at the issue of "having" and "enjoying." The first philosopher to make such a case was, again, Payne (Payne, Michael 2008). According to Payne, we can expound Shue's argument for basic rights to read as follows:

1. Everyone has a non-basic right to something.
2. Having a right means enjoying a right.
3. Some things are necessary for enjoying a non-basic right.
4. The things necessary for enjoying non-basic rights are basic rights.
5. Therefore there are basic rights (p. 5).

At first blush, the argument appears sound, because premise 1 is unobjectionable and premises 3, 4, and 5 follow from premise 2. However, Payne insists that the argument is unsound, given that Shue begs the question of premise 2 (p. 5). What is more, the argument implies that it is impossible for people to enjoy any non-basic right without enjoying basic rights; yet that is blatantly false. After all, Payne argues, when people venture into the wilderness they lose some of their basic rights, but we would not say that they lost their non-basic rights (p. 6). Hence for Payne, Shue fails to provide a sound argument for basic rights.

In agreement with Payne, Pogge (2009) makes a similar objection. He claims that inherent in Shue's argument is the assumption that it is impossible to enjoy any right without enjoying basic rights. Pogge holds that:

By calling a moral right basic in Shue's sense, one is then asserting no more and no less than that the enjoyment of this right is necessary for the enjoyment of all other rights (p. 117).

Accordingly, we can reduce Shue's argument for basic rights to the following proposition. For person P to enjoy any non-basic right y at time t, it is necessary that P enjoys basic right x at t (p. 118). If this accurately reflects Shue's position, then Shue's argument is false on two accounts. First, as Payne has shown, several counterexamples prove it otherwise. Providing another, Pogge claims that it is often the case that people around the world enjoy the right to participate in elections without enjoying security as a right (p. 119). Second, the proposition implies that basic rights are anything that allows people to enjoy another right. But this would allow far too many rights to count as basic. For instance, the right to a gas mask would be basic, because it is sometimes necessary to enjoy other rights (p. 119). For Pogge, Shue's argument thus fails to support a plausible identification of the most important basic rights.

Andrew Cohen (2004) brings forth a similar criticism. The central point he makes is that, for Shue, it is analytically necessary that a person cannot enjoy any other good without physical security. However plausible, this is proven false if at least one right can be enjoyed without enjoying basic rights (p. 266). To make such a case, Cohen argues that physical security is not necessarily required for enjoying every other good. For we can imagine, he says, cases where person P is tortured only if P does x, yet P can avoid x and thereby enjoy many goods (p. 266). According to Cohen, this one counter example undercuts Shue's account.

Finally, there are two criticisms against Shue's correlative duties. The first is that they demand too little. According to Pogge, for Shue to hold, as he seems to (p. 51), that correlative duties are imperfect with regard to individuals, yet imprecise in terms of institutions, is to make such duties inapplicable. The problem is that any right is a three-place predicate, such that the right holder H has a right against a duty bearer D to instantiate or not instantiate some substance Q (Pogge 2009, p. 123). As such, all duties must break down into personal terms, even if the right in question concerns a state of affairs caused by multiple persons or institutions. Therefore, Pogge argues that if we want to avoid unacceptable states of the world, we need reasonably precise duties to be laid upon specific agents; something Shue fails to provide (p. 124).

The second criticism is that Shue's correlative duties demand too much. Judith Lichtenberg (2009) raises this problem, which she calls the "Singer Problem" in light of the potentially over demanding conclusions wrought by Singer's utilitarianism (e.g., see Singer 1972). The problem can be summarized as follows. By placing imprecise duties on people, Singer's ethical demands are easily inflated to absurd proportions. Thus, without providing precise duties, Shue, like Singer, demands too much. The problem for Shue centers on placing the duty to aid squarely on the affluent. According to Lichtenberg, for Shue to expect some people to do more, simply because others have less, is unfair and would create perverse incentives (p. 76). To make duties less onerous, Shue must postulate effective mechanisms that would rearrange the world order without making correlative duties too demanding, as to prevent their failure (p. 88).

These criticisms of Shue's argument, as so far developed, postulate three objections. Firstly, his definition of a moral right is inapplicable. Secondly, his argument for basic rights succumbs to counterexamples. Finally, his correlative duties are unsound. In the next section, I shall demonstrate how these objections do not accurately reflect Shue's philosophical views and therefore fail to overturn his argument.

## A Reply to Shue's Critics

To begin, I believe Pogge misconstrues Shue's definition of a moral right. Recall that for Pogge, a moral right to  $x$  is fulfilled for  $P$  at time  $t$  if and only if (A)  $P$  actually enjoys  $x$ , (B)  $P$ 's enjoyment of  $x$  is socially guaranteed, and (C)  $P$  enjoys  $x$  as a right (Pogge 2009: 115). I wish to make three points in criticism of this proposition. First, notice that it demands the presence of all three features at one time. If this reflects Shue's definition, as I believe it does not, then  $P$  lacks any and every right that fails to uphold A, B, and C at time  $t$ —but this is far too strong for any definition. For it entails the absurd conclusion that  $P$ 's right to  $x$  ceases the very moment  $P$  no longer partakes in  $x$ . Second, notice that it does not accurately reflect Shue's definition. On Shue's account a moral right is fulfilled if and only if ( $\alpha$ )  $P$  is justified in demanding  $x$ , ( $\beta$ )  $x$  is the actual enjoyment of a substance, and ( $\gamma$ )  $x$  is socially guaranteed for  $P$  against standard threats (Shue 1980, p. 13). Remarkably, Pogge's definition replaces  $\alpha$  with C, which, by focusing on the legal status of  $x$ , instead of its justification, allows Pogge to claim that  $x$  is a moral right if and only if  $x$  is enjoyed as a right. This again, however, renders an absurd conclusion, namely that any moral right that

is not an official right is not a moral right. Finally, notice that it misconstrues Shue's definition. For Shue, moral rights are not tied together by A, B, and C at time  $t$ , as Pogge insists, but rather by a family resemblance of  $\alpha$ ,  $\beta$ , and  $\gamma$  that need not occur at one time, especially in “authentic instances”—that is to say, in real world scenarios (p. 177). Specifically, Shue suggests a moral right in authentic instances can lack  $\alpha$  in the explicit sense (pp. 13–4). This is because  $x$  does not cease to be a right if  $P$  does not demand it. Rather,  $x$  remains a moral right so long as it can be justified (p. 14). Children, for instance, cannot always demand their basic rights, but they maintain their rights nonetheless, because they can be justified. Therefore, Pogge's argument does not overturn the soundness of Shue's definition of moral rights, since the former is based on a straw man of the latter.

Still, more is to be done. Remember that Payne accuses Shue of begging the question of what it means to have and to enjoy rights. The obvious solution to this problem is to allow the circularity. That is, let us admit that it is an analytic truth that having the right to  $x$  equates to enjoying  $x$ . Such a tautology does not seem unreasonable. For to have the right to  $x$ —yet be in a position not to enjoy  $x$ —is perhaps not to have the right at all. On Shue's view, the central point is this: it seems impossible, in fact contradictory, to have, say, the freedom from torture yet not to enjoy the freedom from torture. Accordingly, Shue might reply to Payne that his distinction results in contradictory terms, thus proving the synonymy of “having” and “enjoying” rights.

In a similar way, Payne's second objection fails. Payne claims that Shue's argument for basic rights is unsound due to the following premise: “having a right means enjoying a right” (p. 5). But no philosopher in my mind—especially Shue—would reason that way about rights. Like Shue, philosophers argue that “a right is not a right to enjoy a right—it is a right to enjoy something else, like food or liberty” (Shue 1980, p. 15). As Shue points out, rather nicely, to enjoy a right without the substance it guarantees reduces it to a mere status (pp. 15–16). Ironically, then, Payne's accusation itself misconstrues what it means to have rights, in addition to misconstruing Shue's argument.

Turning to another criticism, it seems to follow from Shue's account on the necessity of basic rights that other rights are impossible without them—a seemingly untenable view (Cohen 2004, p. 266; Pogge 2009, p. 118). I wish to meet this objection with two points. First, it misinterprets Shue's account. In particular, what Shue means by “necessary” when saying that “basic rights are necessary for enjoying other rights” (p. 31) is not a matter of universal modality, where the sense of the proposition would be: it is necessarily the case that basic rights always entail all other rights. That proposition is clearly false. As just one example, it is possible to have the right to subsistence without the right to bear arms. Furthermore, Shue does not mean that implementing basic rights is the necessary way of achieving all other rights. Instead, what Shue means by “necessary” is akin to other synonyms he uses in its place, such as “essential,” “inherent,” or “constituent,” which underscore the meaning that basic rights are in general built-in to the enjoyment of other rights. Put simply, basic rights are integral elements of non-basic rights. This is because any attempt to enjoy a non-basic right without having—or sacrificing—subsistence and security is literally self-defeating (p. 19). Accordingly, Shue's point about necessity is that non-basic rights assume the satisfaction of basic rights, which are so fundamental to rights in general that they outweigh all others, especially when rights come into conflict.

The necessity of basic rights leads me to my second point against Cohen and Pogge's mutual objection. If the above argument is true, the fundamental nature of basic rights makes them the foundation for all others (Shue 1980, p. 25; p. 102). In that sense, the moral landscape is skewed when basic rights are absent. This point seems difficult to deny. To illustrate, consider the tragic case of child labor. Human rights workers make it clear that it is virtually impossible to end child labor without institutional reforms that address poverty (Ashford 2009a). The reason for this is that, when faced with starvation, human beings turn to work they would otherwise find unacceptable. So, to protect human beings from sacrificing non-basic rights for food or shelter, which they would be expected to do in poverty, Shue claims that basic rights are necessary to uphold other rights, and thus, must be ensured (p. 179).

Of course, we could split hairs by insisting that child laborers logically (or nominally) maintain their human rights despite their lack of subsistence. However, because they would sacrifice some of their rights for food supports the intuition behind Shue's argument that basic rights are nonetheless fundamental. Likewise, if the world's air became so polluted that children would sacrifice their rights to own a gas mask, gas masks would indeed become equivalent with the basic right to breathable air, *contra* Pogge. Of course, this does not imply that a gas mask is inherently a basic right, but rather that it could serve as a necessary constituent of breathable air if it were impossible to breath without it. This is made clear by considering the matter from the perspective of correlative duties. Recall that on Shue's account, effective social arrangements must be made to protect people from standard threats that are preventable or hinder the enjoyment of basic rights (p. 32). Recall further that basic rights impose three kinds of correlative duties: the duty to avoid depriving, to protect from being deprived, and to aid the deprived (pp. 54–55). Hence, if relevant persons or institutions poisoned the air and knew that children would need gas masks to survive, then they would have the duty to protect those children from being deprived of the basic right to breathable air.

A final pair of criticisms still stands. With regard to correlative duties, recall that Pogge accuses Shue of demanding too little, while Lichtenberg accuses Shue of demanding too much—a genuine Goldilocks problem. On the one hand, Pogge claims that rights must apply to specific persons, because rights constitute three-place predicates that connect right holders to duty bearers, who in turn instantiate, or not, some substance (p. 123). On the other hand, Lichtenberg asserts that Shue unfairly places the burden of providing aid on the affluent (p. 76). In either case, Shue is accused of promoting unsound correlative duties.

In reply, I think it must first be admitted that correlative duties are problematic for human rights in general. This is because, contrary to Pogge, individuals do not normally bear the duties of human rights, since such rights concern how people are treated by governments and institutions (Nickel 2005, p. 10). Yet I think there is more to be said for Shue. In reply to Pogge, by taking a middle ground between institutions and persons, Shue does make his duties apply to individuals in their roles within institutions, but not in their private capacity (Shue 1980, p. 122). To Lichtenberg, Shue demands no more from the affluent than opportunities for the poor. He says:

A demand for the fulfillment of rights to subsistence may involve not a demand to be provided with grants or commodities but merely a demand to be provided some opportunity for supporting oneself (p. 40).

As a result, it is somewhat misleading to say Shue concentrates his duties on one group or another. More accurately, he claims that the affluent and national governments have the direct duty—while individuals have the indirect duty—to avoid depriving persons of subsistence or to protect them from deprivation (p. 113).

## Conclusion

This paper has been an attempt to defend Shue's argument for basic rights against his latest philosophical critics. After reiterating Shue's views on moral rights, basic rights, and correlative duties, I considered specific criticisms that take aim at Shue's views, which I then refuted in turn. In doing so, I hope to have shown that all attempts to refute Shue's argument have misconstrued his actual philosophy, and thus failed to overturn it. Hence, Shue's argument not only remains sound but his conclusions remain significant: all human beings, by virtue of having rights of some kind, possess basic rights to subsistence and security in order to enjoy their non-basic rights. This view is realistic in the sense that it would be self-defeating to have rights without basic rights, as Shue argues. Nonetheless, it goes without saying that it remains elusive by virtue of being philosophy, not policy. Still, being a sound philosophical position, Shue's argument can serve as the moral compass for policy making, especially policy that concerns human rights and economic justice.

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