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Facing Famine: Justice and the Case of Unilateral Intervention

By

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Honors Thesis

Submitted to:

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Introduction

Through the course of this year, 900 thousand people will have to struggle through conditions of famine, and a total of 345.2 million will experience food insecurity of some kind. These concerning figures represent an over twofold increase since 2020.¹ This presents a serious problem, as access to food is so plainly vital to every aspect of an individual's existence. It should therefore be uncontroversial to assert the grave nature of the occurrence of famine and other food emergencies faced by so many today. Food emergencies are not merely a result of insufficient food, but rather the institutional policies enacted that affect food's distribution.² Therefore, it is similarly uncontroversial to express the intuitive desire to contend that addressing these crises is a matter of justice. However, this course of action presents a problem: the sort of actions needed to meaningfully address famine oftentimes require intervention. This remedy would almost certainly violate another value which also presents itself intuitively important, state sovereignty. This is specifically the case wherein an intervention is unwelcome. Under these circumstances, what is the appropriate course of action? Which of these moral maxims must give way? In this essay I argue that economically advantaged countries have a positive duty of justice to assist in addressing famines and other food emergencies. I defend this claim on the basis of John Rawls' theory of justice as fairness.³ In doing so I will present the tragedy of food emergencies as a distributive issue, and chiefly concerning primary goods. To address objections of state sovereignty, I point again to the principles of justice as fairness. Those same principles which establish a positive duty of advantaged nations to aid in the case of food emergencies, also

¹ "A Global Food Crisis," World Food Programme, accessed April 10th, 2023, <https://www.wfp.org/global-hunger-crisis#:~:text=From%20the%20Central%20American%20Dry,to%20the%20bri nk%20of%20starvation.>

² Amartya Sen has done considerable work on this particular aspect of famines. For more on this in *Section 3: Establishing a Duty for Nations to Address Food* or see Sen's work: Amartya Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation* (Oxford: Clarendon Press; 1981).

³ John Rawls, *A Theory of Justice* (Cambridge, Massachusetts: Belknap Press, 1971)

implore affected nations to receive that aid. Furthermore, for the affected nation to go against this would represent an infringement on those principles of justice so widespread and so egregious that any right to sovereignty is overwritten. Similarly, these same principles of justice as fairness govern the conduct of these interventions. Taken altogether then, even when keeping in mind state sovereignty, economically advantaged nations have a positive moral duty to intervene in the case of extrajurisdictional famine.

Section 1: The Nature of Famine and Food Emergencies

Before engaging in any arguments regarding the positive duties of nations, or the conditions that allow for the override of state sovereignty, it is first necessary to develop an understanding of what famines are. This is essential in two respects. The first of these is to illustrate the immediate need for action with regard to addressing famine. Advocating for such a strong course of action is not to be taken lightly. This position can come only out of a need to address a particularly dire situation, discussed here, to which the current state of world affairs has no solution, discussed in *Section 2: Addressing Famines Under the Current International Order*. The second of these, perhaps in some regards more importantly, is to remain proactive in quelling the concerns of those who feel there is a severe danger of misuse with regard to international intervention. If the scope of this advocacy is not carefully defined, nefarious actors might very well use this reasoning outside the intended uses under the guise of the moral claims here. These concerns will be further addressed in *Section 5: Application of Interventions in the Case of Famine*.

The Famine Early Warning Systems Network (FEWSN) stands at the forefront of categorizing food related emergencies. A branch of the United States Agency for International Development (USAID), this agency was established in 1985 to analyze current and future food

insecurity concerns across the globe.⁴ Their Integrated Phase Classification spans 5 phases, each taking into account a household's ability to address food needs, the behavior conducted to meet those needs, and any mortality rates associated with malnutrition. Famine, the worst of the 5 phases, occurs when “at least one in five households faces an extreme lack of food, more than 30 percent of children under five are suffering from acute malnutrition (wasting), and at least two people out of every 10,000 are dying each day.”⁵ These requirements were deliberately set high in response to confusion among international aid initiatives in the 1980s and 1990s. The impetus was, by properly distinguishing famine from its relatively less severe counterparts, international organizations can ensure congruence and do not run the risk of belittling the term through constant and unwarranted use.⁶

However, there is a downside to such a restrictive definition that must be accounted for when defining the scope of food crises we wish to address. Take for example the 2011 declaration of famine in Somalia. The resulting outcry of having officially declared a famine under such constrained requirements resulted in a large and arguably successful international effort. However, “by the time the Somali famine was officially declared, at least half of its 260,000 victims had already died.”⁷ According to the United Nations World Food Program (UN WFP) this is an all too common issue with regard to governments with aid arriving only when a famine is declared, and ultimately too late.⁸

⁴ Famine Early Warning Systems Network, “About FEWS NET,” FEWS NET, Accessed March 26, 2023, <https://fewsn.net/about>

⁵ Famine Early Warning Systems Network, “Integrated Phase Classification,” FEWS NET, Accessed March 26, 2023, fewsn.net/sectors-topics/approach/integrated-phase-classification.

See also - United Nations World Food Program, “What Is Famine, What Causes Famine in the World & How Do We Stop It?” *World Food Program USA*, March 9th, 2022, www.wfpusa.org/articles/what-causes-famine-in-the-world/

⁶ Gregory Warner, “When Do Food Shortages Become a Famine? There's a Formula for That.” *NPR*, August 27th, 2014, www.npr.org/sections/parallels/2014/08/27/343758300/when-do-food-shortages-become-a-famine-theres-a-formula-for-that.

⁷ Warner, “There's a Formula for That.”

⁸ United Nations World Food Program, “Why Do People Have to Die Before a Famine Is Declared? And Other FAQs.” *World Food Program USA*, June 23, 2021,

Additionally, while the definition of famine seeks to make it stand apart from other lesser food emergencies, our ability to differentiate when a famine is actually occurring on the ground is oftentimes inadequate. Practical restraints can prevent aid workers from reaching certain affected areas, thus rendering them unable to accumulate the data necessary to declare a famine.⁹ In addition, the mortality rate requirement of famines has been historically difficult to meet. Aid workers are not always able to visit hospitals to obtain the mortality data at the source. This forces those making a determination to wait “one or two months for the data to catch up.”¹⁰

Accordingly, in defining the scope of issues for which I am advocating, intervention limited solely to famine under the formal definition would be unsatisfactory. Were this argument to be limited to the formal definition of famine, its same shortcomings would be tied to any presented solution. Thus, the scope must be broadened to include not only famine but all widespread food emergencies. This will address the shortcomings associated with the formal definition of famine by removing the burdensome requirements associated in favor of less stringent ones. On paper this may appear to seriously broaden the instances wherein countries must act. However, in reality it ensures that countries are indeed acting when needed, as the shortcomings of the formal definition of famine have demonstrated that official reports oftentimes underrepresent what is actually occurring on the ground. There are, of course, limitations to this scope, lest I fail to heed the concerns raised just a few paragraphs earlier. However, they are brought upon by constraints of overriding state sovereignty and constraints of actions taken while intervening, and thus will be addressed in *Section 4: Overcoming Objections of State Sovereignty* and *Section 5: Application of Interventions in the Case of Famine*.

<https://www.wfpusa.org/articles/why-do-people-have-to-die-before-a-famine-is-declared-and-other-frequently-asked-questions/>

⁹Warner, “There’s a Formula for That.”

¹⁰ United Nations World Food Program, “Why Do People Have to Die Before a Famine Is Declared?”

Having addressed the formal definition of famine and its counterparts, as well as defined the scope of the argument, it is now necessary to explain the causes of famine. This is helpful as a matter of justifying and advocating for intervention as opposed to some other less intrusive method of aid. Famine and food emergencies can be caused by a variety of factors. However, the primary driver of famine in our modern world is conflict. Among those experiencing food insecurity today, 70 percent live under conditions of conflict.¹¹ Under conflict conditions, communities face crippling damages to infrastructure, the economic challenges of job loss, impeded exports and imports, rising food costs, and potential forced evacuation.¹² In classifying the severity of a food emergency, conflicts driven crises pose an additional risk to aid workers. This exacerbates the drawbacks of declaring a famine under the formal definition, as relief staff is restricted from diagnosing and addressing the emergency.¹³ Any one of these factors could affect the most vulnerable, but the unique combination of conflict sends entire swaths of the population over the edge.

Adding a sense of urgency to this issue, there are a variety of factors that are exacerbating food emergencies at this time beyond the typical root causes. While these factors do not necessarily place communities in the conditions of a food emergency directly, such factors certainly place communities at higher risk of experiencing all manner of food emergencies. In particular, the recent conflict between Russia and Ukraine has placed enormous pressure not only on communities within Ukraine, but also communities around the globe. 20% of the world's maize exports and 30% of its wheat exports are filled by both Russia and Ukraine. However, due to the conflict, supply chains have been disrupted and with it exports have dropped. Furthermore, there has been speculation that the United States will be unable to address this gap through

¹¹ World Food Programme, "A Global Food Crisis"

¹² United Nations World Food Program "What Is Famine?"

¹³ Warner, "There's a Formula for That."

exportation of its own domestic grain production.¹⁴ Not only has this affected the availability of staple food products globally, but it has also severely affected the price of those products. Food product pricing was already rising globally in 2021, exceeding 5% price inflation in 79% of “Emerging Markets and Developing Countries” and in 27% of “Advanced Economies.”¹⁵ This trend was only worsened by the conflict in Ukraine, where food commodities rose 33.6% in March 2022 as compared to 2021.¹⁶ This combination of decreasing food availability and increasing food prices only further exacerbates ongoing food emergencies, and primes previously stable communities for potential food emergencies.

All of this taken together, it is clear that food emergencies represent a clear and devastating threat to at risk communities. Where previous concern has been placed particularly on famines, understanding the particularities of defining a crisis as such present evidence that concern should be shifted towards all food emergencies. Furthermore, understanding the risks conflict presents in causing and exacerbating the conditions wherein food emergencies thrive presents further cause for concern. While these worries have been present for some time, more recent aggravating factors create a landscape for food insecurity which should be cause for pause.

Section 2: Addressing Famines Under the Current International Order

While discussion of the nature of famines no doubt conveys the importance of addressing food emergencies wherein they occur, it does not alone give rise to reasoning that justifies departing from the current system of addressing such issues. To arrive at that conclusion there

¹⁴ Rachel Treisman, “Global food prices hit their highest recorded levels last month, driven up by the war,” *NPR*, April 8th, 2022, <https://www.npr.org/2022/04/08/1091705608/global-food-prices-record-high-ukraine-war#:~:text=World%20food%20commodity%20prices%20reached,higher%20than%20in%20March%202021>.

¹⁵ Carmen Reinhart & Clemens Graf von Luckner, “The Return of Global Inflation,” *World Bank Blogs*, February 14th, 2022, <https://blogs.worldbank.org/voices/return-global-inflation>

¹⁶ Treisman, “Global food prices hit their highest recorded levels.”

would need to be additional reasoning that articulated an irrefutable and unaddressable fault in the current international order that rendered it unsuitable for addressing famines. To that end, in this section I will raise three grievances with our current system of addressing famines. The first two of these relate to non-interventionist policies, the last to interventionist policies. Both of these policies, non-interventionist and interventionist, have been historically unsuitable for wholly addressing food emergencies. Furthermore, in the latter of these grievances, current interventionist policies have actually been detrimental in addressing famines in the future. Therefore, the current system must be supplemented by some additional system capable of remedying these issues ingrained in the current system.

Under our current system, the United Nations has a wide array of bodies which key directives entail addressing food emergencies in non-interventionist manners. Among the main UN organs there is the 2nd committee of the General Assembly, which is tasked with reporting on a wide array of topics relating to food insecurity. Additionally, there is The Economic and Social Council (ECOSOC), which addresses the reports of committees and oversees the various programs which address food insecurity. These programs include the Food and Agricultural Organization (FAO), the International Fund for Agricultural Development (IFAD), the United Nations Environment Programme (UNEP), the World Bank, and the World Food Programme (WFP).¹⁷ Overseeing collaboration between these various bodies, the United Nations System Chief Executives Board for Coordination (CEB) ensures “inter-agency priorities and initiatives while ensuring that the independent mandates of organizations are maintained.”¹⁸

¹⁷ “Key UN Bodies - Food Security and Nutrition - A Global Issue.” Research Guides at United Nations Dag Hammarskjöld Library, Accessed March 26th, 2023, <https://research.un.org/en/foodsecurity/key-un-bodies>
See also: “The Structure of the United Nations,” Permanent Mission of the Federal Republic of Germany to the United Nations, Germany in the United Nations, Accessed March 26th, 2023, <https://new-york-un.diplo.de/un-en/germanyun/structure-of-the-united-nations/968700>

¹⁸ “Structure of the CEB,” United Nations System Chief Executives Board for Coordination (CEB), Accessed March 26th, 2023, <https://unsceb.org/structure>

Altogether, these bodies provide a framework that on the face of it appears capable of addressing food emergencies and even mitigating circumstances which exacerbate it. However, these bodies, while perhaps functionally capable of addressing the issue of famine, fall short in two regards that leaves them ultimately incapable of fully addressing food emergencies. The first of these could be considered quite expected: funding. Take for example the WFP, which will be of my primary focus as it is the foremost program in addressing food emergencies.¹⁹ The WFP's primary source of funding is voluntary payment from governments, which support the WFP directly, as the organization does not take a portion of UN assessed contributions. Corporations and individuals also donate to the WFP but on a comparatively smaller scale.²⁰ Funding in this manner means that the WFP, and organizations like it, are limited in their ability by the budget availability of governments and other organizations, often resulting in budget shortages. These shortages are not for lack of trying. Over the past 10 years, global funding for humanitarian effort has increased 233%.²¹ However, despite this increase, the United Nations experienced a 32 billion dollar humanitarian aid deficit in 2022. This shortfall has been attributed in part to organizations like the WFP's funding ties outside of the UN. Due to COVID-19 and the current economic climate, governments and companies are simply having to cut back.²² As a result, only 7.6% of appeals for food security have been funded, with 61% of food security appeals not even being funded halfway.²³ Thus, the manner in which we address food emergencies' first serious flaw is apparent. Being tied to the budgets of governments and corporations who voluntarily

¹⁹ Research Guides at United Nations Dag Hammarskjöld Library, "Key UN Bodies."

²⁰ "Funding and donors," World Food Programme, Accessed March 26th, 2023, <https://www.wfp.org/funding-and-donors#:~:text=Governments%20are%20the%20principal%20source,on%20an%20entirely%20voluntary%20basis>.

²¹ OCHA, "The Hunger Funding Gap: How the World is Failing to Stop the Crisis," *Reliefweb*, October 12th, 2022, <https://reliefweb.int/report/world/hunger-funding-gap-how-world-failing-stop-crisis>

²² Emma Farge, "U.N. draws deep from emergency funds amid record humanitarian aid gap," *Reuters*, September 16th, 2022,

<https://www.reuters.com/world/un-draws-deep-emergency-funds-amid-record-humanitarian-aid-gap-2022-09-16/>

²³ OCHA, "The Hunger Funding Gap."

fund their efforts, organizations like the WFP are subject to all manner of economic, governmental, social, etc. changes which could result in more or less funding. The historical result of this is that food emergencies have gone unaddressed or under-addressed.

Of course, the argument may be made that issues regarding the funding of these programs do not justify the introduction of a new system of addressing famines. Providing moral justification for mandatory funding of the WFP, for example, would suffice. However, even with the appropriate funding the second issue with these sorts of programs would not be addressed. Food emergencies brought about by conflict also pose a uniquely difficult problem for international aid. Conflict often prevents aid from reaching those who desperately need it. Even during the 1992 Somali famine, the United Nations Operation in Somalia (UNOSOM) Security-General cited numerous difficulties in achieving stable conditions. In a letter to to the UN Security Council, “absence of a government authority that could maintain law and order, the failure of the warring factions to cooperate with UNOSOM; the extortion of large sums of money from donor agencies and organizations (which was then used to support the warring factions instead of suffering Somalis); the hijacking of vehicles; the looting of relief supplies from convoys and warehouses; and the detention of expatriate personnel” were all listed as aggravating factors in the UNOSOM operation.²⁴ The result is that oftentimes, aid does not reach those who desperately need it. In the case of UNOSOM, roughly 75% of resources directed towards at-risk populations was either confiscated or stolen.²⁵ These difficulties demonstrate the need for intervention on a scale that programs like the WFP cannot accomplish. To meaningfully address food emergencies, some level of peacekeeping forces must be present not only to secure

²⁴Heather Jacques Wood, Taylor Nuttall, and Kendall Stiles, “Humanitarian Intervention,” *International Norms and Cycles of Change* (November 2008): 263–288, doi:10.1093/acprof:oso/9780195380088.003.0010.

²⁵Wood, Nuttall, Stiles, “Humanitarian Intervention,” pp. 263–288

the safety of aid workers, but also to ensure aid is not nefariously redirected. This is simply outside the scope of typical humanitarian aid programs.

As is suggested in the aforementioned case of 1992 intervention in Somalia, the UN does presently have a policy for intervention that can, in theory, be used to address food emergencies. However, as will be seen through an explanation on this case, there are shortcomings here as well which lead to the preference of a new system of addressing famines and food emergencies. The United Nations' attention was first drawn to the situation in Somalia in January of 1992 when a letter from interim Somali Prime Minister, Omer Arteh Qhalib described what was at this point a full scale civil war occurring in Somalia.²⁶ As a result of the civil war, food distribution efforts were being thwarted, causing starvation in an estimated 300,000 people and the threat of starvation in 1.5 million more.²⁷ In response the UN would pass a number of increasingly condemnatory resolutions aimed at seeing the conflict ended and aid delivered to at-risk populations. These resolutions would continue to do little by means of addressing the issue at hand until the passage of Resolution 794 which “established the groundbreaking idea that the presence of extreme human suffering, in a failed state ravaged by civil war, can constitute a threat to the peace.”²⁸ While the UN operation would have little lasting effect in securing peace in Somalia, the intervention did address many of the humanitarian concerns cited.²⁹

Despite its positive impacts on the food emergencies experienced in Somalia, the UN's intervention fell short of an effective system for addressing famine. Somalia represented an intervention of the first of its kind, citing reasoning related to humanitarian concerns rather than the more typical concerns of international peace, genocide, etc. Unfortunately, as a result of the

²⁶ Fernando Tesón, “Collective Humanitarian Intervention.” *Michigan Journal of International Law* 17 (1996): 323–71. <https://doi.org/10.1017/CBO9780511494000>

²⁷ Wood, Nuttall, Stiles, “Humanitarian Intervention,” 263–288

²⁸ Wood, Nuttall, Stiles, “Humanitarian Intervention,” 263–288

²⁹ Wood, Nuttall, Stiles, “Humanitarian Intervention,” 263–288

current system, it is also increasingly more unlikely such an intervention will occur again. In drafting Resolution 794, Security Council members Russia and China shared concern over the future implications of designating humanitarian concerns as a reasoning for intervention. Accordingly, both nations stressed the importance of including language in the Resolution to indicate the unique nature of the situation. The heavy implication was that Resolution 794 could not be used as precedent in future instances.³⁰ This emphasis on an unwillingness to set precedent provides concerning implications that future cases of food emergencies and humanitarian concerns may not be answered by the United Nations. It is not only possible, but likely, that future cases requiring humanitarian intervention will be slowed or even stopped by the foreign policy interest of actors within the United Nations. Thus once more, the current available system for addressing food emergencies internationally is unacceptable.

Circling back to the considerations with which this section was begun, it becomes increasingly clear that the current international system for addressing famines and other food emergencies is unsatisfactory on a multitude of levels. Currently available avenues of non-interventionist actions are underfunded as a result of their optional funding mechanisms. Even if this were to be addressed through compulsory funding, non-interventionist strategies would fall short of being effective in addressing food emergencies experienced due to conflict. Here the realities of the situation require an interventionist strategy. To this end, while the United Nations has on one occasion engaged in interventionist strategies to address humanitarian concerns, a repeat of this behavior is unlikely due to the foreign policy interests of actors like Russia and China. Thus, there exists no realistic pathway to appeal for international intervention in these cases. With this in mind, understanding the serious flaws of the current system, there is justification for the creation of some new system to address famine and other food emergencies.

³⁰ Wood, Nuttall, Stiles, "Humanitarian Intervention," 263–288

Section 3: Establishing a Duty for Nations to Address Food Emergencies

Having thoroughly dealt with the reasoning as to why our current system of dealing with food emergencies is inadequate, we can now move on to the important task of establishing a positive moral duty for countries to address this inadequacy. It is not enough to simply state the existence of the problem to do this, otherwise the developed nations of our modern world would soon be overwhelmed by positive moral obligations. Indeed there will need to be an appeal to justice and morality to establish a positive moral duty to address the issue at hand. To that end, I assert that economically advantaged nations have a responsibility to address food emergencies as a requirement of Rawls' justice as fairness. To make this assertion will require us to come to several conclusions regarding the nature of food emergencies as they pertain to justice as fairness. Primarily, it will require asserting food emergencies as a distribution issue concerning primary goods. Furthermore, the principles of justice as fairness must be appropriately extended to the international stage. Finally, engagement in honest due diligence, addressing several common objections to justice as fairness, in particular those objections to the maximin decision rule, will be needed. However, before doing so it is perhaps prudent to briefly note the basics of Rawls' derivation of justice as fairness.

John Rawls asserts that in developing social institutions, the "first virtue" of those institutions is justice. If social institutions are unjust, nothing else regarding them is relevant. As Rawls notes, "laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust."³¹ Given then the importance of justice in establishing and maintaining social institutions, as well as the laws, policies, and customs that stem from them, it

³¹ Rawls, *A Theory of Justice*, 3.

is essential to establish a legitimate definition of justice. Emerging to some extent from the social contractarian school of thought, Rawls imagines some “original position” which predates the formation of society. Here individuals would make a determination as to the principles of justice that would govern society.³² However, there is one glaring issue in considering this hypothetical: An individual may, and almost certainly will, “design principles to favor his particular condition.”³³ One might imagine, for example, a wealthy individual asserting the principles of justice to respect property rights above all else. This problem left unaddressed will leave any conception of justice produced left stained with some degree of self interest such that the principle cannot be legitimate. As a remedy for this, Rawls adds an additional condition to the original position, the “veil of ignorance.” Under this condition, individuals have no knowledge of any details of their individual condition that would allow them to privilege themselves when determining principles of justice. Rawls does not provide an exhaustive list of specific facts that would be considered to give insight as to an individual condition, but explains the condition to be rather far reaching. In essence, the condition effectuates a situation wherein the individual knows only that “their society is subject to the circumstances of justice and whatever this implies...” and “general facts about human society.”³⁴ With this problem dealt with, Rawls believes the original position will produce the following two principles of justice, the culmination being what he deems, justice as fairness: First, “each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others” and second, “social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all.”³⁵ Rawls later clarifies that

³² Rawls, *A Theory of Justice*, 12

³³ Rawls, *A Theory of Justice*, 12.

³⁴ Rawls, *A Theory of Justice*, 137.

³⁵ Rawls, *A Theory of Justice*, 60

See also - Rawls, John, and Erin Kelly, *Justice as Fairness : a Restatement / John Rawls ; Edited by Erin Kelly*, (Cambridge, Mass: Belknap Press of Harvard University Press, 2001), 42-43

principle 2a is to be interpreted as meaning that social and economic inequalities should be arranged to benefit the least well off in society.³⁶

Given this definition of justice one might conceive of a moral duty of nations to address food emergencies. However, as previously noted there are several conclusions we must reach regarding food emergencies to ensure justice as fairness is properly applied to these occurrences. The first of these such conclusions is that food emergencies and famines are indeed distributional issues. Being that the principles of justice as fairness pertain exclusively to distributional issues, if food emergencies do not qualify as such, they would not be addressable under this framework. To provide an extreme example, if famines arose exclusively from a genuine lack of food worldwide, such that they were experienced indiscriminately, the principles of justice as fairness would have little to command of countries. However, this is not the case. In fact, the reality is quite the opposite. In 2012, the world produced enough calories in food production to meet the entire population's caloric requirements with enough excess calories for 1.6 billion people.³⁷ Unfortunately, despite this excess “those calories are not evenly distributed across the population.”³⁸ Amartya Sen famously notes this discrepancy between food access and distribution in *Poverty and Famines: An Essay on Entitlement and Deprivation*. Here he notes, “if one person in eight starves regularly in the world, this is seen as the result of his inability to establish entitlement to enough food; the question of the physical availability of the food is not directly involved.”³⁹ Analysis of food distribution indeed proves Sen’s assertion. In 2019, there

³⁶ Rawls, *A Theory of Justice*, 65-67

See also - Rawls, John, and Erin Kelly, *Justice as Fairness : a Restatement*, 42-43

³⁷ Kelly Driver, “History of Agriculture,” *Johns Hopkins Bloomberg School of Public Health*, August 5th, 2016, www.foodsystemprimer.org/food-production/history-of-agriculture/.

³⁸ Driver, “History of Agriculture.”

³⁹ Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation*, 8

For more see also:

Kaushik Basu, “Famine: Entitlement Failure,” *Encyclopædia Britannica Inc*, Accessed April 11, 2023. <https://www.britannica.com/science/famine/Entitlement-failure>.

was a 2,181 difference in caloric supply between the most heavily supplied nation (Belgium - 3809.39kcal) and the least supplied nation (Zimbabwe - 1,628.11kcal). Broken down to reflect different food groups, we see a 117.99 gram difference between the country with the most daily protein supply (Iceland - 143.92g) and the country with the least (The Democratic Republic of Congo - 25.91g). Disparities even exist when breaking down countries' protein supply makeup, wherein animal proteins are the preferred form of sustenance. Here, Iceland tops the list at 73% of the daily protein supply being animal based, and Burundi finds itself on the bottom with only 5.9%.⁴⁰ These differences demonstrate clear inequities with regard to food availability. These inequities, coupled with the aggravating factors discussed in Section 1 result in famine and other food emergencies. Thus, food emergencies certainly qualify as a distribution issue.

The second conclusion we must necessarily reach before applying justice as fairness to this issue is that the distributional issue at hand, food accessibility, is properly included under Rawls' justice as fairness. In other words, does what Rawls describes as an "equal right to the most extensive basic liberty compatible with a similar liberty for others" or "social and economical inequalities"⁴¹ include equal access to food. In further explaining this, Rawls contends that what is really at stake within the principles of justice as fairness are "primary goods," i.e. goods that are decidedly desirable in any rational person's life. These primary goods are typically understood to be "the basic rights and liberties; Freedom of movement, and free choice among a wide range of occupations; The powers of offices and positions of responsibility; Income and wealth; The social bases of self-respect: the recognition by social institutions that gives citizens a sense of self-worth and the confidence to carry out their plans."⁴² Unfortunately

⁴⁰ Max Roser, Hannah Ritchie and Pablo Rosado, "Food Supply," *Our World in Data*, 2013, <https://ourworldindata.org/food-supply>

⁴¹ Rawls, *A Theory of Justice*, 60

⁴² Leif Wenar, "John Rawls," *The Stanford Encyclopedia of Philosophy*, Summer 2021, <https://plato.stanford.edu/archives/sum2021/entries/rawls>

See Also - Rawls, *A Theory of Justice*, 62

then, a right to nourishment does not find itself among those rights typically considered as primary goods. Indeed, in *A Theory of Justice* Rawls at no point contends seriously with the distributional issues of sustenance. Of course, that does not stop us from asserting food access as a primary good. It does, however, force us to provide compelling evidence of such, as the failure to enumerate what feels as though such an obvious primary good would suggest otherwise.

One potential argument to aid in asserting access to food is that the list of primary goods provided by Rawls and surmised by others is by no means meant to be exhaustive. Indeed Rawls notes, “I shall not argue the case for the list of primary goods here, since their claims seem evident enough.”⁴³ What are those evident claims? Rawls understands them as any good for which we can claim, “it is rational to want these goods whatever else is wanted, since they are in general necessary for the framing and the execution of a rational plan of life.”⁴⁴ Surely then, access to food can be claimed as a primary good, it being necessary for pursuit of a plan of life generally, even more so a rational one.

Another potential reasoning we might have for believing food access to be a primary good, though not enumerated, is to assert the right is assumed when other rights are enumerated. To assert the first principle of justice as fairness as applicable to basic rights and liberties, or the second as applicable to socioeconomic inequalities, without implying its applicability to food access would be nonsensical. Rights have a way of interconnecting with each other such that to guarantee some rights, other rights must also be guaranteed. This relationship, though not first noted, is famously noted by Henry Shue, who came to formulate a conception of “basic rights” (Not to be conflated with Rawls’ common usage of the term basic rights). Shue notes, “rights are basic in the sense used here only if enjoyment of them is essential to the enjoyment of all other

⁴³ Rawls, *A Theory of Justice*, 434

⁴⁴ Rawls, *A Theory of Justice*, 434

rights. This is what is distinctive about a basic right.”⁴⁵ Shue goes on to argue for an array of basic rights, among which includes the Right to Subsistence, a right which ensures access to food.⁴⁶ Understanding this relationship, we might conceive of access to food, or a Right to Subsistence as implied in Rawls’ formulation of basic rights and liberties. It is this line of argument that Rawls adopts in *Justice as Fairness: A Restatement* wherein he notes the first principle of justice as fairness as presuming a prior principle “requiring that basic needs be met.”⁴⁷ Rawls notes that were this prior principle not satisfied, the individual would have no way to meaningfully “exercise the basic rights and liberties.”⁴⁸ Pushing the application of this relationship between access to food and other primary goods further, it would be reasonable to say that access to food would be an implicit primary good in the consideration of most any other primary good. This is because, as I have mentioned in passing, access to food is so central to our existence, that the removal of that access threatens our existence. Thus, removal of access to food threatens nearly all other primary goods. Therefore, if we are to assert certain rights as primary goods, access to food must necessarily be among them implicitly.

Having then determined food emergencies and famine as a distributional issue, and access to food as a primary good under the consideration of justice as fairness, it can now be said definitely that the principles of justice as fairness are applicable. However, there is one final consideration that must be taken to establish a duty for developed nations to act in the case of food emergencies. In *A Theory of Justice*, Rawls formulated the principles of justice as applicable to a “self-contained democratic society reproducing itself across generations.”⁴⁹ Given that addressing food emergencies and famine would require extrajurisdictional action, applying

⁴⁵ Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, (Princeton University Press, 1996), 19-20

⁴⁶ Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, 19-20

⁴⁷ Rawls, John, and Erin Kelly, *Justice as Fairness : a Restatement*, 44

⁴⁸ Rawls, John, and Erin Kelly, *Justice as Fairness : a Restatement*, 44

⁴⁹ Wenar, "John Rawls."

justice as fairness to this case would be extending Rawls' principles beyond their original presuppositions. This could potentially be cause for concern as the original position is purely a constructivist manner of deriving justice as fairness. Where other guiding principles of justice, such as utilitarianism, are derived in such a way as to begin with universally applicable principles, justice as fairness is not. Rather, as Rawls notes, "in justice as fairness, principles of justice for the basic structure of society are not suitable as fully general principles"⁵⁰ Accordingly, we ought to be uncomfortable applying these principles extrajudicial, and in a manner that would conflate justice as fairness as international law.

To address this concern there are two possible solutions noted by Thomas Pogge, both which extend the principles of justice are fairness, or in the latter solution its international equivalent, to the global stage. The first of these solutions requires an extension of the original position such that it is inclusive to the entirety of the world's population, not merely limited to individuals within a single society. This extension would render each individual a party of the original position. The second solution, by contrast, views parties of this new original position as representative of peoples.⁵¹ In his later work, *The Law of Peoples: with "The Idea of Public Reason Revisited"*, Rawls would come to associate himself with the latter of these two possibilities. Using this formulation, Rawls develops 8 principles which makeup what he dubs "The Law of Peoples" :

"1. Peoples are free and independent, and their freedom and independence are to be respected by other peoples; 2. Peoples are to observe treaties and undertakings; 3. Peoples are equal and are parties to the agreements that bind them; 4. Peoples are to observe the duty of nonintervention (except to address grave violations of human rights); 5. Peoples have a right of self-defense, but no right to instigate war for reasons other than self-defense; 6. Peoples are to honor human rights; 7. Peoples are to observe certain specified

⁵⁰ John Rawls, "The Law of Peoples." *Critical Inquiry* 20, no. 1 (1993): 36–68, <http://www.jstor.org/stable/1343947>.

⁵¹ Thomas W. Pogge, *Realizing Rawls*, (Ithaca, NY: Cornell Univ. Press, 1991), 242-243

restrictions in the conduct of war; 8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.”⁵²

However, upon further review of Rawls’ formulation there are several issues, articulated by Pogge, that arise that encourage us to shy away from this latter possibility. In constructing an original position for The Law of Peoples, Rawls includes only two kinds of peoples, liberal and hierarchical (For example, a society wherein only practitioners of religion “A” may hold elected office, but the practice all other religions is otherwise free and protected⁵³). Both of these are, as he asserts, “well ordered domestic societies.”⁵⁴ It is important to note that no nation outside these two types of societies would be included in the franchise Rawls describes.⁵⁵ The reasoning for the restriction of this franchise to only these types of societies is first noted by Rawls as being for simplicity’s sake.⁵⁶ However, we might extrapolate further from this when considering Rawls’ understanding of “peoples,” as considered under the Law of Peoples. Rawls’ defines peoples in many regards, but of primary concern here is his categorization of peoples as being either liberal (applying to liberal democratic societies), or at least decent (applying to hierarchical societies). Despite their institutional differences, these peoples Rawls describes, and their corresponding societies, are similar in that both respect human rights, as Rawls understands them.⁵⁷ Here we perhaps find the reasoning for not extending the Law of Peoples to additional peoples and subsequently additional societies. Even under the veil of ignorance, peoples who do not respect human rights would maintain views irreconcilable with those peoples who do, rendering a

⁵² John Rawls, *The Law of Peoples: with "The Idea of Public Reason Revisited"*, (Cambridge, MA: Harvard University Press, 1999), 37

See also - Wenar, "John Rawls."

⁵³Wenar, "John Rawls."

⁵⁴ Rawls, “The Law of Peoples,” 36–68.

⁵⁵ Rawls, “The Law of Peoples,” 36–68.

⁵⁶ Rawls, “The Law of Peoples,” 36–68.

⁵⁷ Wenar, "John Rawls."

creation of any version of a Law of Peoples impossible. These facts make this formulation unsuitable in forwarding the central claim, as the duty to intervene in the case of a food emergency would be limited to only certain types of societies.

However, one ought not dismiss conception of justice as fairness simply because it is not suitable for the purposes at hand; an opponent to the central claims made here may very similarly be drawn to this conception of justice as fairness for the very same reason. To that end, there are concerns regarding Rawls' international extension of justice as fairness that go beyond the practical applications of the central claim here. As noted previously, Rawls extends the franchise of his Law of Peoples to only two types of societies, liberal democracies and hierarchical societies due to their recognition of human rights. Naturally, the restriction suggests that all other types of societies do not recognize human rights. However, the presentation of this fact suggests that Rawls' conception of the international original position is inadequately representative of individuals. As has been shown under Rawls' justice as fairness, individuals' primary concerns with regard to justice are that of primary goods. Understanding these primary goods as we have previously in this argument, it is apparent then that those rights traditionally held as human rights almost certainly are accounted for as primary goods. Thus, by suggesting the representatives of peoples under the original position need not necessarily respect human rights is problematic in two ways. Firstly, it creates a situation wherein the whole acts contrary to every individual part: a logical conundrum. Secondly, the situation suggests that the representatives of peoples are not credibly representative of individuals, as the representatives of peoples may act contrary to the interests of individuals. One might be inclined to look over this second point, as the Law of Peoples speaks only to peoples, and thus need only be derived from peoples. To this end, the representation of individuals is irrelevant. However, were this to be true, justice as fairness,

applied to institutions, would similarly be derived from institutions. Quite the contrary, the original position has always concerned itself with the interests of individuals. Whether they be the actions of the representatives of peoples or institutions, those actions are ultimately derivative of policies, understandings, norms, etc. established by individuals. The normative principles found using the original position find their legitimacy in that the parties are adequately representative. Thus, the lack of representation of individuals found in this original position degrades any normative prescription extracted from it. In this way, the Rawls' derivation of the Law of Peoples is unacceptable.

Turning to the former possibility, wherein the original position is simply extended to all individuals globally, we see that many of the problems noted with the latter possibility dissipate. Under this formulation, proposed first by Thomas Pogge, a global conception of justice born out of this original position is precisely the same as justice as fairness domestically. This is the result of the veil of ignorance in action. Actors are unaware of factors that would become relevant when extending the original position globally: race, nationality, etc. In this way, just as they were domestically, individuals as parties to the original position seek only to preserve those primary goods that are rational for all persons to pursue.⁵⁸ Thus, simply put, the same logic which allowed the application of the principles of justice as fairness to food emergencies, would allow the extension of that application internationally. To that end, Pogge's formulation is more preferential as unlike in Rawls' formulation, the original position is adequately representative of people. Furthermore, by accepting Pogge's formulation, nations are rendered capable of addressing food emergencies internationally, furthering the central claim.

With this final issue addressed, it is now suitable in establishing a duty for nations to address food emergencies. Given the characteristics of food emergencies amount to a

⁵⁸ Pogge, *Realizing Rawls*, 242-243

distributional issue, and access to food can be considered a primary good, addressing food emergencies can most certainly be viewed as a duty under Rawls' justice as fairness.

Furthermore, by extending Rawls' conception of the original position to an international scale through Pogge's framework, this duty can be applied to extrajurisdictional food emergencies. In other words, nations have a duty to address food emergencies on an international scale.

Section 4: Overcoming Objections of State Sovereignty

Were it the case that all food emergencies could be adequately addressed through purely non-interventionist methods between two willing parties, establishing a duty to address food emergencies on an international scale would be sufficient. However, as has been previously discussed, oftentimes interventionist methods are more suitable, and indeed at times even required, to address food emergencies in an adequate manner. Thus, simply establishing a positive duty for nations to act is not enough, as there is another duty of nations that stands in the face of intervention: the duty of non-intervention, or the duty to observe state sovereignty. Again, this is unproblematic should the affected country welcome the intervention. However, what if that country is unwelcoming? In response, I argue that state sovereignty is predicated on a nation's adherence to certain principles of justice. Thus, in the case of food emergencies, the violation of the principles of justice as fairness is so widespread and so severe, that any country that would prevent efforts to dispel such a crisis would in doing so erode any claim to state sovereignty.

It is first important to note that sovereignty is not an impenetrable defense to the just intervention of other states. As Jerome Slater and Terry Nardin note in *Nonintervention and Human Rights*, the tension between nonintervention and respecting human rights, in particular, is

by no means a discreet one. On the one hand, nonintervention sustains pluralism, state autonomy, and encourages peaceable reconciliation. On the other hand, interventionist policies provide avenues through which nations can legitimately act to address acts of a particularly atrocious nature in the international community. The modern result of this tension has been a necessary balancing act, wherein a general right to nonintervention is recognized, with exceptions for intervention and definitions of their scope.⁵⁹ The task is then not so much as to prove a place for interventionist policies in the international community, but rather to seek to properly define its scope, and then see if addressing food emergencies can fall within that scope.

To properly discuss the scope of intervention, it is first necessary to discuss the principles that support state sovereignty. Then are we able to assess the scope under which these principles can be overridden. Perhaps among the most commonly discussed authors for defining these principles of state sovereignty is that of Micheal Walzer's, found in *Just and unjust wars: A moral argument with historical illustrations*⁶⁰ along with supporting arguments in *The Moral Standing of States: A Response to Four Critics*.⁶¹ In developing his framework, Walzer notes two principles which underpin a nation's general right to nonintervention. The first of these is that political association is in itself a human right, the second that international society is built upon the presumption of nonintervention and territorial sovereignty.⁶² By conveying these two principles which support a general right to nonintervention, Walzer highlights two distinct issues we ought be wary of. Placed into Rawlsian terms, firstly that intervention in the case of food emergencies, done so in defense of a primary good, may very well jeopardize another primary

⁵⁹ Jerome Slater and Terry Nardin, "Nonintervention and Human Rights," *The Journal of Politics* 48, no. 1 (1986): 86–96. <https://doi.org/10.2307/2130926>.

⁶⁰ Michael Walzer, *Just and Unjust Wars : a Moral Argument with Historical Illustrations* (New York: Basic Books, 1977)

⁶¹ Michael Walzer, "The Moral Standing of States: A Response to Four Critics," *Philosophy & public affairs* 9, no. 3 (1980): 209–229, <https://www.jstor.org/stable/2265115>

⁶² Walzer, "The Moral Standing of States: A Response to Four Critics," 209–229.

good. Secondly, that intervention stands to upheave the basis of the international community, further jeopardizing any number of primary goods. With this in mind, one might look cautiously upon any upheaval of sovereignty, which might consequently upheave these underpins.

Accordingly, Walzer looks for features of a nation's actions that would erode his initial principles behind state sovereignty. To that end, Walzer identifies the "fit" between people and government as being key to the principles behind state sovereignty. Simply put, if there is "fit," there is state sovereignty. When then, is this fit present? As Charles Beitz describes, Walzer's characterization of "fit" is present in all governments which comply with the following conditions: "(a) be operated by compatriots, (b) not owe its power to prior military intervention by a foreign power, and (c) not engage in practices that 'shock the moral conscience of mankind.'"⁶³ This permissiveness of the presence of "fit" is also echoed by Slater and Nardin.⁶⁴ Walzer justifies his relatively low bar by asserting that foreign powers frequently lack the insight necessary to determine a lack of "fit" between a government and its people. Thus, external onlookers owe respect to the internal politics of nations.⁶⁵ In essence Walzer asserts that consent of the governed is not universally obtained through conventional liberal democracies. Rather, "The history, culture, and religion of the community may be such that authoritarian regimes come, as it were, naturally, reflecting a widely shared world view or way of life."⁶⁶ In this way the authoritarian regime may not have the explicit consent present in liberal democracies, but rather citizens' implicit consent, which in that case is sufficient. Foreign powers, unable then to adequately discern the presence of "fit" from implicit acceptance, must abide by Walzer's restrictions. For the case of this argument then, the case of humanitarian intervention, "fit" is no

⁶³ Charles R. Beitz, "Nonintervention and Communal Integrity," *Philosophy & Public Affairs* 9, no. 4 (1980): 385–91. <http://www.jstor.org/stable/2265006>.

⁶⁴ Slater, Jerome, and Terry Nardin, "Nonintervention and Human Rights," 86–96.

⁶⁵ Walzer, "The Moral Standing of States: A Response to Four Critics," 209–229.

⁶⁶ Walzer, "The Moral Standing of States: A Response to Four Critics," 209–229.

longer present where human rights violations are so abundant that “we ought assume that there is either no ‘fit’ between the government and the community or that there is no community.”⁶⁷

Furthermore, Walzer believes violations as pervasive as described here dissolve any claim of sovereignty a nation might have within an international community.⁶⁸ Read generously, these two claims relate directly to the two previous concerns outlined. Firstly, if there is no “fit” between the government and the community and thus claims of the right to political association can be dispatched with. Secondly, given the nature of these hypothetical human rights violations, Walzer believes any claim to the second concern can equally be dispelled.⁶⁹

In many ways Walzer’s central claims regarding underlying principles of state sovereignty are supported by Charles Beitz. Like Walzer, Beitz regards the ultimate source of state sovereignty as being the rights of its citizens.⁷⁰ However, Beitz is skeptical of Walzer’s conditions under which state sovereignty is eroded. The sort of “fit” Walzer describes paints a picture of mere acceptance of government that Beitz rejects as the proper basis for sovereignty.⁷¹ Rather, Beitz believes a state’s claim to sovereignty is earned through its adherence to the “appropriate principles of justice.”⁷² Surely, in Beitz’s mind, the rational citizen would only accept a government that would adhere to justice. The exact principles Beitz imagines are uncertain, as he notes their content has no bearing on his argument. However, his indication is that these principles would be derived from a social contractarian point of view, wherein the rational individual would willfully engage with the state under said principles.⁷³

⁶⁷ Walzer, “The Moral Standing of States: A Response to Four Critics,” 209–229.

⁶⁸ Walzer, *Just and Unjust Wars : a Moral Argument with Historical Illustrations*, 106-107

⁶⁹ Slater, Jerome, and Terry Nardin. “Nonintervention and Human Rights,” 86–96.

⁷⁰ Charles R. Beitz, *Political Theory and International Relations: Revised Edition*, (Princeton: Princeton University Press, 1999), 76

⁷¹ Beitz, *Political Theory and International Relations: Revised Edition*, 77, 79.

⁷² Beitz, *Political Theory and International Relations: Revised Edition*, 80.

⁷³ Beitz, *Political Theory and International Relations: Revised Edition*, 80.

At face value then, we are left uncertain as to the terms under which the principles of state sovereignty can be eroded, Walzer and Beitz arriving at radically different conclusions despite similar principles of sovereignty. However, by further understanding Walzer's reasoning, his framework can actually be brought into alignment with Beitz's. As noted, Walzer believes only those human rights violations that "shock the moral conscience of mankind,"⁷⁴ generally understood as violations of genocidal proportions,⁷⁵ can erode claims of "fit." Walzer arrives at this conclusion on the basis that these are the only definitive actions we can take to eliminate the "fit" between a government and its people. As Walzer puts it:

"By democratic standards, most states throughout human history have been oppressive (and illegitimate), but those are not necessarily or usually the standards by which they are judged among their own people. On the other hand, we can always assume that murder, slavery, and mass expulsion are condemned, at least by their victims."⁷⁶

Thus, it is not that the level Walzer requires represents the actual threshold for erosion of "fit," but that it is here erosion of fit is externally discernable. If we are able to reliably discern externally the erosion of "fit," we would be justified in our intervention. This method of external discernment is appropriately fulfilled in applying what Beitz described as a nation's proper adherence to "appropriate principles of justice."⁷⁷ If our principles of justice are indeed such that any unbiased rational person would accept them, then Walzer's claims of tacit acceptance towards the nation offending those principles would be moot. Furthermore, any concerns over our certainty of whether the "fit" between a government and its people would be addressed.

All that is left then is to convincingly assert that the positive duty of advantaged nations to aid in the case of food emergencies, is indeed a representation of appropriate principles of

⁷⁴ Walzer, *Just and Unjust Wars: a Moral Argument with Historical Illustrations*, 107.

⁷⁵ Slater, Jerome, and Terry Nardin, "Nonintervention and Human Rights," 86–96.

⁷⁶ Walzer, "The Moral Standing of States: A Response to Four Critics," 209–229.

⁷⁷ Beitz, *Political Theory and International Relations: Revised Edition*, 80.

justice. Additionally, we must determine that a country acting in prevention of that duty would be in violation of those appropriate principles of justice. In other words, that the country being intervened has a negative duty not to obstruct that intervention. There has already been much said to this first requirement in *Section 3: Establishing a Duty for Nations to Address Food Emergencies*, wherein I assert justice as fairness as an appropriate principle of justice, both domestically and internationally, and the particular duty of concern here properly derived from it. I will however take a moment to discuss the ideas conveyed in *Section 3* within the context of Beitz's argument. To reiterate, Beitz describes the appropriate principles of justice as conditions that any rational person would accept as conditions of their association.⁷⁸ Rawls' original position, as I have said, necessitates the conditions wherein the principles of justice, justice as fairness, derived from it would be accepted by any rational person. Intervention in the case of food emergencies, as a policy derived from justice as fairness, would thus similarly be accepted by any rational person.

Determining whether a country acting in prevention of the aforementioned duty would be in violation of those appropriate principles of justice is quite a different matter. While I don't take this assertion to be particularly controversial, it is worth some discussion. This is particularly the case, as typical interventionist policy requires the violating nation to be actively offending the principles of justice in some way, not simply preventing principles of justice from being carried out. Furthermore, on a domestic level there appears to be no analogue of the situation experienced on an international level; while the second principle of justice as fairness allows departures in the first principle so long as they are to the benefit of the least well off, there is nothing requiring that the least well off accept those benefits. Indeed we may raise our eyebrows at the thought of police forcibly entering homes, doctors and teachers in tow, to impose

⁷⁸ Beitz, *Political Theory and International Relations: Revised Edition*, 80.

upon the unwilling quality healthcare and education. How then can we require nations to allow themselves to be intervened when justice as fairness demands that of other nations? Imagine the hypothetical scenario of countries A and B. Country A is undergoing a famine as a result of civil war which, under the principles already determined, requires country B to engage in its positive duty of intervention. However, for some reason or another, country A does not welcome this intervention. If this were an exact analogue of our domestic situation, we ought proceed with extreme caution, if at all. However, recall in *Section 3* it was determined that nations are not the proper party of international justice as fairness, people are. Accordingly, a nation is relevant with regard to international justice as fairness, only insofar as that nation represents, as a matter of practicality, it's citizens. Thus, a nation has no standing under justice as fairness to refuse an intervention aimed at aiding the least well off. Were a nation to do so, they would be acting positively in a manner which prevented execution of the principles of international justice as fairness. Therefore, a country acting in prevention of the aforementioned duty would be in violation of those appropriate principles of justice.

The ultimate result of these determinations is that the principles of justice laid forth in the paper to support intervention in the case of food emergencies are precisely those principles that underpin a country's right to non-intervention or sovereignty. Thus, the problem presented at this beginning section is self addressing. As has been discussed at length, countries must abide by appropriate principles to maintain state sovereignty. The degree of adherence to the appropriate principles of justice required to sustain state sovereignty is certainly a matter of contention. However, in the case of famine and food emergencies, acting to prevent an intervention aimed at dispelling this crisis is no doubt so contrary to the principles of justice as fairness, that the nation cannot maintain a claim to state sovereignty based on those principles of justice. Therefore, since

those appropriate principles have been shown to include intervention in the case of a food emergency, claims that prevent this intervention on the basis of state sovereignty are nonsensical and self defeating.

Section 5: Application of Interventions in the Case of Famine

There will naturally be great cause for concern over the conclusion of the previous section, and the real world impacts such a policy could have. Unrestricted, policies pursuant to such a finding could very well spur situations of perpetual war. Advantaged nations would be under a near constant requirement of intervention in the case of food emergencies, with the intervened nations having little recourse under the claim of state sovereignty. Furthermore, the determination placed in a real world setting creates a situation ripe for abuse, the intervening nations possessing unchecked moral legitimacy in their actions. These concerns are by no means new, having been conveyed by theorists such as Eric A. Heinze, as well expressed implicitly by Slater and Nardin. As Heinze notes, “Beitz's reasoning carried to its theoretical conclusion would permit intervention to address a broad range of human rights violations... possibly causing more human suffering through the conduct of war than otherwise would have occurred.”⁷⁹ Likewise, Slater and Nardin note, ideally “in practice intervention would be prudent and justified only on rare occasions.”⁸⁰ This need is often satisfied by these theorists through additional considerations which I will aptly refer to as requirements of intervention. These considerations oftentimes amount to what is called proportionality, ensuring that intervention does not bear more cost than benefit. However, traditional understandings of proportionality view all individuals equally in bearing the costs and benefits of an intervention. I propose that this understanding of

⁷⁹ Eric A. Heinze, “The Moral Limits of Humanitarian Intervention: Reconciling Human Respect and Utility,” *Polity* 36, no. 4 (2004): 543–58, <http://www.jstor.org/stable/3235401>.

⁸⁰ Slater, Jerome, and Terry Nardin, “Nonintervention and Human Rights.” 86–96.

proportionality is impermissible under justice as fairness. Rather, when considering proportionality in intervention in the case of food emergencies, the only relevant consideration is any impact the intervention might have on the distribution of primary goods to the least well off.

Before addressing these requirements, it will be helpful to differentiate two terms I have used in both this and the previous section: scope, and requirements. When discussing scope, I aim to describe the array of situations that would erode state sovereignty sufficiently so as to allow for intervention. Up to this point, the discussion has been limited to this aspect of the conversation. The scope having been determined, it is now time to move on to requirements of intervention. Requirements are concerned with the principles that govern the conduct within an intervention after having already determined the violation falls within the acceptable scope. Taken together, the two terms define the conditions wherein intervention is possible, however it is important to note each's place in a given framework when assessing that framework. Scope is determined using moral judgements, whereas requirements can be determined from derivations of those same moral judgements. Take the following example as an illustration of what I mean here. We may define the scope of intervention as any nation committing acts of incongruent with democracy. However, we may decide that posing great threats to human life is similarly incongruent with democracy, thus we form the following requirement: Intervention may not occur if the threat to life that intervention would pose is too great. Notice that the requirement does not speak to the scope. In other words we do not say, as a result of there being too great a threat to human life, intervention of this non-democratic state would be immoral. Rather we say, intervention of this state is moral, given our predetermined moral judgements, but we can nonetheless not intervene given the threat to life.

Applying this distinction to the authors I will discuss here, it can be said Heinze, as well as Slater and Nardin, develop frameworks that fall under the category of requirements of intervention. While neither categorizes their assertions as such, we can be comfortable in doing so, as neither framework speaks directly to the conditions wherein state sovereignty has eroded and intervention would be hypothetically permissible, i.e. the scope. Of course, each has an understanding of the scope of intervention, mainly centered around human rights violations and their pervasiveness. Despite this, each's outline for what would amount to an acceptable intervention speaks only to what actions should be taken in electing to intervene, presupposing such an intervention is theoretically morally acceptable.

With the distinction between scope and requirements articulated, we can now move to discuss those requirements commonly proposed when thinking about intervention. To this end, a wide array of requirements can potentially be developed. A prime example of this can be found in Slater and Nardin's *Nonintervention and Human Rights* which establishes a total of four requirements of intervention all aimed at reducing the impact of interventions:

- 1) Before it is reasonable to engage in intervention, all less dramatic remedies to the issue at hand must be exhausted.
- 2) Engaging in intervention must be likely to bring about an end to the issue at hand.
- 3) "Indigenous military resistance" to the intervention must be relatively small.
- 4) The risk the intervention poses to the stability of the international community must be small.⁸¹

Of course, this list is by no means an exhaustive account of what the potential rules of intervention that could be. Indeed, to provide an exhaustive list of every requirement conceived of applying to intervention would be a task falling only slightly short of impossible. However, taken broadly, requirements of intervention are asserted to prevent disproportionality between the

⁸¹ Slater, Jerome, and Terry Nardin, "Nonintervention and Human Rights," 86–96.

ills an intervention is attempting to rectify, and the ills an intervention might cause. This concept of proportionality is important to consider when discussing intervention, and remains the basis for many of these requirements. As Heinze notes, if we are to take Beitz's claims seriously that the sovereignty of a nation can be suspended and an intervention permitted in cases where the principles of justice are not adhered to, then we must be able to defend the intervention on the same grounds. To that end, Heinze “suggest[s] that this is done by only permitting it in instances where the present and future propensity for the enjoyment of basic rights by the oppressed citizens, and humanity in general, would clearly be improved by the forcible coercion.”⁸²

Heinze develops this idea of proportionality further by first introducing a common problem with proportionality; typically, even in instances that clearly fall within the scope of intervention, such actions are impermissible due to the impact of the intervention relative to the actual transgression occurring. For example, in the process of World War 2 Allied forces extinguishing the Axis threat, an untold number of both combatant and non-combatants died. That number is indeed far more than if Allied forces had capitulated in some way, rather than pursuing the complete dismantling of the Axis regimes.⁸³ However, it would not be controversial to raise great concern at this prospect.

In response to this problem, Heinze points to Immanuel Kant's “Respect for Persons” to draw a distinction between harm intentionally inflicted on individuals, and harm circumstantially inflicted on individuals. For Kant, properly respecting persons required treating them as ends, rather than means. In other words, we must unconditionally value people insofar as they are people, rather than valuing them, unconditionally or otherwise, insofar as they can act as means

⁸² Heinze, “The Moral Limits of Humanitarian Intervention: Reconciling Human Respect and Utility,” 543–58.

⁸³ Heinze, “The Moral Limits of Humanitarian Intervention: Reconciling Human Respect and Utility,” 543–58.

to our own ends.⁸⁴ However, as Heinze notes, intentionality is also relevant in determining whether a person is being respected, insofar as we consider what “the violating agents’ view of the intrinsic value of the individual.”⁸⁵ Respecting individuals contains an “evaluative nature” wherein an individual views others as ends. Likewise then, to be truly disrespectful, in Heinze’s view, the act must be purposeful and thus similarly evaluative.⁸⁶ Thus a distinction is drawn between those who purposefully harm individuals, therefore disrespecting persons, and those who incidentally harm persons, and thus are not disrespecting persons. Heinze asserts this distinction is morally relevant when considering the aggressor actions, drawing on Daniel Montaldi’s “infringement” and “disrespect” formulation. Here, for example, an accidental manslaughter death would be an *infringement* on the victim’s right to life, whereas purposeful homicide would be *disrespectful* of the victim’s right to life.⁸⁷ While neither are properly respectful of persons, the latter is more morally reprehensible.

Looking back to the common example of Allied forces combating the evils of the Axis regimes, we can see Heinze’s new framework of proportionality come into play. Typical understandings of proportionality would hold the actions of both the Axis and Allied forces equal in determining if acceptable levels of proportionality had been reached. Oftentimes, as I have previously explained, achieving this proportionality would require levels of intervention typically considered to be short of what we deem acceptable. However, by characterizing

⁸⁴ Robin S. Dillon, “Respect,” *Stanford Encyclopedia of Philosophy*, Stanford University, July 2, 2022. <https://plato.stanford.edu/entries/respect/#KantAccoRespForPers>.

See Also - Stuart Rachels and James Rachels, “Kant and Respect for Persons,” *The Elements of Moral Philosophy*, 137–43, (New York, NY: McGraw Hill LLC, 2023).

⁸⁵ Heinze, “The Moral Limits of Humanitarian Intervention: Reconciling Human Respect and Utility,” 543–58.

⁸⁶ Heinze, “The Moral Limits of Humanitarian Intervention: Reconciling Human Respect and Utility,” 543–58. See Also - Daniel F. Montaldi, “Toward a Human Rights Based Account of the Just War,” *Social Theory and Practice* 11, no. 2 (1985): 123–61, <http://www.jstor.org/stable/23559754>.

See Also - David Cummiskey, “Kantian Consequentialism,” *Ethics* 100, no. 3 (1990): 586–615, <http://www.jstor.org/stable/2381810>.

⁸⁷ Heinze, “The Moral Limits of Humanitarian Intervention: Reconciling Human Respect and Utility,” 543–58. See Also - Montaldi, “Toward a Human Rights Based Account of the Just War,” 123–61.

intentional and unintentional actions differently, and thus carrying different moral weights, proportionality is weighted in favor of those wishing to intervene to stop purposeful aggressors.

Overall, proportionality serves as an intuitive basis for the rules of intervention. Indeed, it would be nonsensical to move forward with an intervention that was poised to cause more harm than good. Furthermore, Heinze's explanation as to the importance of actors' intentions inserts a much needed distinction between victimizing persons purposefully and incidentally. Even in domestic systems of law, it is common to find manslaughter carrying less punitive weight than homicide. There is no doubt the intention of the actor is morally relevant. However, these understandings of proportionality quantify the relative impact of primary goods in a manner that is inconsistent with justice as fairness as described as the appropriate principles of justice. As Heinze notes, a proper understanding of proportionality "employ[s] a utilitarian calculation for minimizing overall human suffering."⁸⁸ Here, the cost benefit analysis of primary goods between those suffering and those intervening is equal. While Slater and Nardin do not express the same view explicitly, their 4 requirements of intervention do give the indication that at least some consideration is owed to those intervening as well as those suffering injustice. Even this, however, is unacceptable.

If we are to truly comply with justice as fairness, our requirements for intervention must be derived from those principles, just as the rest of this theory of intervention in the case of food emergencies has been. To provide a brief reminder, justice as fairness requires that the distribution of primary goods be entirely equal unless inequality led to the benefit of the least well off. As has been previously demonstrated, food emergencies represent a violation of these principles, insofar as there is not equal distribution of primary goods, and it is not to the benefit of the least well off, those suffering the food emergencies. When aiming to intervene then, the

⁸⁸ Heinze, "The Moral Limits of Humanitarian Intervention: Reconciling Human Respect and Utility," 543–58.

goal is to restore the unequal distribution to a level such that both the intervening country and the international community are compliant with justice as fairness. Likewise then, refusing to intervene must also be done in a manner that is compliant with justice as fairness. Under traditional views of proportionality, intervention should not be engaged if the loss of primary goods on the part of the individuals in the intervening country, or individuals in third party countries, outweighs the unequal distribution of primary goods suffered by individuals in the country being intervened. Such an outcome is impermissible under justice as fairness, as it considers the benefit of those individuals more well off, over the benefit of those least well off. Rather, an appropriate understanding of proportionality would weigh benefits and costs to primary goods only from the perspective of the least well off, in this case, those suffering food emergencies. Thus, the requirements of intervention would only restrict a country from intervening in an instance where that intervention would ultimately only cause further detriment to the distribution of primary goods experienced by the least well off.

It is important to note that this understanding of proportionality and the requirements of intervention does not entirely neglect those concerns typically reflected through proportionality. Concerns raised in the beginning of this section over international stability, abuse of intervention policies, etc. are still addressed under this new understanding, but only with respect to the perspective of the least well off. International stability remains relevant, but only insofar as those concerns are directed at those suffering the injustice. If intervening to address a food emergency would disrupt international stability so far as to render other aid to those suffering, perhaps the distribution of prescription drugs, impossible, we would be required to look at that intervention with severe scrutiny. Countries abusing intervention for their own gains would similarly be scrutinized, as engaging in those interventions is not ordered to the benefit of the least well off

but rather the intervening country. Furthermore, intervening countries would still be bound to requirements such as Slater and Nardin's first requirement: Before it is reasonable to engage in intervention, all less dramatic remedies to the issue at hand must be exhausted.⁸⁹ Interventions are endeavors that will inevitably impact the primary goods of those least well off. While permissible interventions would do so to the net benefit of those least well off, if there exists some less drastic measure that would result in a greater net benefit, countries would similarly be obligated to take those measures. Even Heinze's distinction between infringing and disrespectful acts toward the rights of persons remains intact. Ultimately, the only relevant factor that has changed with regard to proportionality and the requirements of intervention is who's eyes we view the relative cost and benefits through.

By understanding proportionality in this way, we ensure that even when grappling with the requirements for intervention, for our uses in the case of food emergencies, we remain consistent in the principles of justice that have been outlined. Were the traditional understandings of proportionality to be accepted, the very principles that justified and imposed positive duties to intervene would be violated. Furthermore, when instituting this understanding of proportionality, the concerns born through defining the scope of intervention brought up in the beginning of this section remain sufficiently addressed. International stability, abuse of intervention policy, etc. all remain relevant considerations. Thus, this understanding of the requirements of intervention is the most apt for carrying out advantaged countries' positive duty to intervene in the case of food emergencies.

⁸⁹ Slater, Jerome, and Terry Nardin, "Nonintervention and Human Rights," 86–96.

Conclusion

Food emergencies across the globe represent a serious threat to countless individuals. Crises such as these are a preventable injustice ultimately caused by an unequal distribution of primary goods. What's worse, the current system for addressing these tragedies, as I have shown, is inadequate at its best and stifles future hope for necessary intervention at its worst. Thus, some new system must be created. Under the principles of justice as fairness, economically advantaged nations have an obligation to intervene in the case of famine. Some may decry this assertion, pointing to state sovereignty as preventing the conclusion I have made. However, it is clear that rooted in a nation's claim to state sovereignty is its own adherence to certain principles of justice, and accordingly that nations adhere to justice as fairness. Thus, the afflicted nation that seeks to dissuade intervention in the case of a food emergency on the basis of state sovereignty erodes its sovereignty simply in doing so. To be sure, this arrangement is not a boundless one for those intervening nations. From those same principles of justice as fairness, there are also requirements of intervention that bind those intervening. An intervention must be viewed from the perspective of the afflicted, those least well off, weighing the costs and benefits of every action with respect only to how it affects their share of primary goods. Taken altogether, the principles of justice as fairness provide a complete new framework for addressing food emergencies: both the scope and requirements of intervening, as well as the positive moral duty to do so. With that then, I return to my original premise, economically advantaged nations have the positive moral duty to intervene in the case of food emergencies, and insist on it. Food emergencies are preventable, and where we have fallen short of that they are addressable. By forwarding this claim it is then, simply a matter of our commitment and adherence to justice whether food emergencies continue to ravage our world.

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