13 On current food consumption and future generations

Is there a moral need to change our food consumption in order to safeguard the human rights of future generations?

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1 Introduction

Food is essential to live a decent life. This has been recognized in the 1948 *Universal Declaration of Human Rights* (UDHR). The Declaration acknowledges food as an essential part of an adequate standard of living and speaks about a right to food. This right is often translated in terms of the right to food security, i.e. the right to have access to sufficient, safe and nutritious food. Making this right operational has turned out to be quite complicated in the last five decades (e.g. Food and Agriculture Organization of the UN 2003). Wars, corruption and natural disasters, for instance, still result in serious food security problems. In addition, the current discussion on the right to food is further complicated by three related developments. First, the growing world population is estimated to total nine billion people in 2050. This change in global demography means that the level of food security is less self-evident for the affluent world too. For instance, in Europe there is renewed attention on food security. The European Commission acknowledges that Europe will be challenged by 'increased competition for limited and finite natural resources' (Commission of the European Communities 2011). With this claim, Europe and other continents are – in spite of all their differences – in a similar position: they need to think about how they can guarantee food security in the future. Second, food security is influenced by questions about the ecological sustainability of food production and consumption (Food and Agriculture Organization of the UN 2011). This has resulted in a search for innovative ways to produce food and debates on how to deal with related basic securities such as water, energy and other natural resources, but also in debates on food consumption. As Lang and Barling point out, 'The discourse about future consumption patterns is now inexorably being drawn into a debate about whether Western patterns are replicable globally, let alone damaging the West' (2012, 319). In other words, the debates on food security are no longer just about *what* to produce and consume now, but also about *how* we should consume and produce food. These debates are further

complicated by a third development: the trend of defining the right to food in a broader way than in terms of mere access to nutrition and simply as a right of the current generation. In 2003, the Food and Agriculture Organization of the UN (FAO) had already defined how food security 'exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life' (Food and Agriculture Organization of the UN 2003, 29). This definition deliberately includes many more aspects than the claim that one has a right to a minimum amount of nutrients to survive. Furthermore, the link between sustainability, and food production and consumption leads to debates about duties vis-à-vis future generations.

Given this changing context, I aim to focus in this chapter on the question of whether the right to food and the related basic rights of future generations can be moral imperatives that will make us change our current food consumption patterns. This question implies: (a) that we can legitimately speak about a right to food that corresponds with duties; and (b) that future generations have rights in a way that can result in claims on our current actions. Since the latter claim has been discussed elsewhere in this book, I will now turn first to the question of whether we can speak about a human right to food.

2 Real food, but also real rights?

As mentioned above, the UDHR (1948) explicitly mentions the right to food. Nonetheless, there is still an ongoing debate on the standing of the right to food. The reason for questioning the position of this right is not limited to this specific right, but holds equally for any other social and cultural human right that is listed in the UDHR and in the 1966 *International Covenant on Economic, Social and Cultural Rights* (ICESCR). The debate focuses on the questions of: (a) to what extent it is possible to identify the holders of the moral duties that correspond to rights and the extent to which such duties are enforceable; and (b) whether these social rights manage to satisfy the proviso of practical feasibility (cf. Hahn 2012).

Let me start with the latter problem. Shue distinguishes a set of three correlative duties that are assumed by basic rights: duties to avoid depriving; duties to protect from deprivation; and duties to aid the deprived (1996, 52). In practice, the duties to *protect* from deprivation in particular lead to questions about feasibility in relation to the right to food. As a consequence, O'Neill argues that

> it is plausible to think that rights not to be killed or to speak freely are matched by and require universal obligations not to kill or not to obstruct free speech; but a universal right to food cannot be simply matched by a universal obligation to provide an aliquot morsel of food.
>
> (2000, 135)

The lack of such an obligation implies, according to O'Neill, that 'no claim to rights has the faintest chance of making a real difference' (2002). In other

words, social rights run the risk of being unfeasible to fulfil and consequently they can easily remain empty. Thus, it has been argued that for a theory of human rights it would be better to focus on 'human rights proper'. This includes rights to life, personal liberty, personal property and equal treatment under the law (Rawls 1999, 78–80). In relation to these rights, it is possible to define clear duties and identify what one should do. This is not to deny that it can be relevant in a political or social context to refer to rights to food or shelter. However, these are – in O'Neill's words – 'manifesto rights', i.e. the result of rhetoric that may start from genuine and admirable intentions rather than a reference to claimable rights (cf. Feinberg and Narveson 1970, 254–5).

Moreover, O´Neill emphasizes that the first problem mentioned above, the lack of clarity about the identification of the holders of the duties that correspond to rights, is also related to the right to food. She claims that

> unless the obligation to provide food to each claimant is actually allocated to specified agents and agencies, this 'right' will provide meagre pickings. The hungry know that they have a problem. What would change their prospects would be to know that it was others' problem too, and that specified others have an obligation to provide them with food. Unless obligations to feed the hungry are a matter of allocated justice rather than indeterminate beneficence, a so-called 'right to food', and the other 'rights' of the poor, will only be 'manifesto' rights.
>
> (O'Neill 1986, 101)

The combination of the problem of the identification of the duty holder and the feasibility problem results in a tension between, on the one hand, a shared understanding of food as essential for daily life and, on the other hand, the problem that a right to food seems neither claimable nor effective.

One way to address this tension is to stress that the 'duty holder identification' problem is not exclusive to food. Heilinger, for instance follows this line when he stresses that 'no one has claimed that it would be a simple task to precisely identify the matching obligation of a given right' (2011, 191). Furthermore, especially in the case of food, the problem does not seem to be so evident. It is generally accepted that the right to food implies that the set of three correlative duties results in state obligations to respect and protect its citizens (cf. Economic and Social Council 1999). National states, but also supranational organizations such as the FAO, consider themselves to be responsible for taking positive measures towards ensuring the provision of adequate food. From this perspective, the notion of a right to food is action-guiding and duty holders seem to be identified. Nonetheless, these arguments still result in two problems. First, they seem to leave the problem of enforceability unanswered, i.e. even if an international organization is identified as a duty holder, can that organization be forced to acknowledge and fulfil its duty? If we look at the specific case of the right to food, the answer – at least in theory – seems to be positive. Since the right to food is included in the ICESCR, and since this covenant is a treaty,

the rights that are part of that treaty are legally enforceable. In practice, it is a complicated route that is under judicial review by the UN. Nonetheless, we can claim that the right to food has clear duty holders and is enforceable. This, however, still leaves us with the second problem: the argument that, with the help of institutional constructs, it is possible to allocate duties and to give content to the duties raises the question of whether we can still speak about individual duty holders (cf. Heilinger 2011, 192f.). This is relevant, given the question of whether the rights claims of future generations can result in moral reasons for individuals to change their consumption behaviour.

3 A real right, but also real individual duties?

The fact that food security is on the public agenda means in practice that institutions in particular, such as governments and NGOs, are working on this issue. The assumption is that if a human rights violation takes place, 'the responsibility to act lies with an official institution' (Heilinger 2011, 192). This raises the question of whether the right to food should be dealt with on an institutional level, because this is the most appropriate infrastructure to deal with individual duties, or that we choose an institutional approach because a right to food only functions if and only if we establish an institutional setting in which duties are allocated. If the latter is the case, i.e. that only institutions can be duty holders regarding the right to food, then speaking about duties on the level of the individual is highly complicated. This does not mean that there is no moral demand at the level of the individual to care about the food security of others; yet such a demand would be an imperfect obligation with no direct corresponding right.

In my opinion, such an either-or presentation is not helpful in answering the main question of whether individuals have a moral reason to change their consumption behaviour because of future generations. On the one hand, I agree with those who claim that making the choice to deal with the right to food is not a merely pragmatic choice. Dealing with the right to food on an individual level only results in a number of feasibility problems. Food production, processing and consumption are global by nature and are so complex that if we considered individuals as the only duty holders of the right to food, then this would result in a variety of feasibility problems. In many cases, it is both practically and physically impossible for individuals to secure a food supply and, since ought implies can, rights based on duties that cannot be fulfilled are problematic. However, there is more to say about duties. We can distinguish between direct and indirect duties. Even if we agree on the implausibility of an individual duty to provide food, we can speak about indirect duties to secure the right to food. Because it is possible to allocate duties to institutions that – on behalf of individuals – are able to deal with the right to food, an individual may have a duty to demand that the institution takes its direct duty seriously. Therefore, it is possible to speak about the right to food in a way that does not leave the individual completely out of the picture. Like Pogge, we can argue that 'each member of society, according to his or her means, is to help bring about and

sustain a social and economic order within which all have secure access to basic necessities' (2002, 69). Thus, while acknowledging the need for and the importance of institutions that can make the right to food feasible and make it a claimable right, it is still possible to speak about individual duties to contribute – within the limits of one's abilities to secure the right to food. From this perspective, it is still possible that the rights claims of future generations may restrict our current food consumption.

In summary, the right to food is a genuine human right that: (a) is linked to the basic needs of humans; and (b) meets the proviso of practical feasibility in the sense that we can identify duty holders and that the duty is enforceable. We also identified some problems in relation to the role that individuals play. Nonetheless, it is legitimate to argue that – even if institutions appear to be the most appropriate duty holders – individuals can have indirect duties and consequently may play an active role. However, before we can jump to the question of possible duties towards future generations, this discussion is further complicated by the notion of food.

4 Which right is at stake?

In order to get a better grip on the feasibility of the right to food and the related question of whether this has implications for our current consumption patterns, it is important to look more carefully at the definition of the right to food. The Committee on Economic, Social and Cultural Rights of the UN Economic and Social Council defines this right as follows:

> the right to adequate food is realized when every man, woman and child, alone and in community with others, has physical and economic access at all times to adequate food or means for its procurement.
>
> (Economic and Social Council 1999, General Comment 12/6)

This definition shows two important aspects. On the one hand, it specifies the right to food by the reference to adequacy. It is not a claim for food as such, but for adequate food. Thus, people are entitled to have food that enables them to live in a way that is in accordance with the inherent dignity of the human person and with the fulfilment of other human rights (Economic and Social Council 1999, General Comment 12/4).

On the other hand, food seems to be defined in a rather restricted way. Food is mainly defined in terms of its nutritional value. Although the value of food is more than its nutritional value (Caplan 1997; Gofton 1996), the definitions of the right to food mainly focus on its dietary and health aspects. They do not explicitly take the cultural, social or identity-related aspects of food into consideration despite these being constitutive elements of food. This implies that, from this perspective, we should speak about the *right to adequate nutrition* rather than the right to food.

However, the former UN Special Rapporteur on the Right to Food, Jean Ziegler, uses a broader view on food. He stresses the context of food and includes the cultural and social dimensions. He argues that the right to food implies:

> the right to have regular, permanent and unrestricted access,…, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.

His reference to food 'corresponding to the cultural traditions' better addresses the variety of dimensions important to how we value food. However, it also has direct implications for the feasibility of the right to food, especially if this is applied to the specific question raised in this chapter regarding possible duties towards future generations. The inclusion of the cultural and traditional component easily runs into the question of whether in 2050 the Italians will have a right to have pasta dishes, the Germans a right to eat their sausages and the Chinese a right to eat rice.

Thus, it seems as if we end up either with a feasible but rather abstract right to adequate nutrition that does not do justice to the broader dimensions of food or with a quite specific right to food that takes the cultural and social dimensions of food into account but that entails duties that are characterized by overdemandingness. With respect to the latter position, it is easy to ridicule the possible consequences as completely unfeasible. However, I agree with Hahn's view that human rights are often understood as claims that do not depend on what is actually realizable, but on what is principally achievable (2012, 148). And in principle, it is possible to take the cultural dimensions of food into account.

A more profound point refers to Rawls' idea of 'human rights proper'. Apart from the questions of achievability and the feasibility of identifying duty holders, he argues for a restricted number of human rights that are essential to any 'common good idea of justice' (Rawls 1999, 78–80). This implies that human rights should be neutral and should not depend on lifestyle aspects. Consequently, a reference to the cultural aspects of food goes beyond a neutral liberal perspective. From a Rawlsian perspective, however, the right to adequate nutrition is already rather complicated, since Rawls does not list nutrition among the list of primary goods, in contrast to, for instance, health care and education (Rawls 1993). From his perspective, the relevance of food does not need independent attention and can be covered by other rights. It is beyond the scope of this chapter to discuss the relation between liberalism and food (e.g. Korthals 2004), yet Rawls' account shows that if the cultural or identity-related aspects are separated from the notion of food, we can focus better on rights related to health.

Therefore, the above-mentioned proposal to define the right to food in terms of the right to adequate nutrition is flawed. If we define the right to food merely in terms of adequate nutrition, we either end up with a situation in which the right is considered to be superfluous, because it can be covered by other rights that can safeguard human health, or we are faced with a right that is not specific enough and therefore will not do justice to the claims people have. Consequently, I prefer

a definition of the right to food that deals with the cultural and identity-related dimensions of food. However, what does this imply for the rights claims of future generations?

5 Future food and current consumption

In spite of the ongoing discussion, I think there are convincing arguments that can be used to start a discussion from the perspective that future generations can have legitimate claims vis-à-vis present generations (cf. Meyer 2008; see also in this volume Chapter 6 by Düwell, Chapter 9 by Bos and Chapter 11 by Beyleveld). More specific to the issue of food, we can reasonably assume that future generations have an interest in food, in the sense that they will need food for daily life too. However, this general interest still leaves room for discussion of at least two aspects: food security and safety, on the one hand, and the question of food quality and identity, on the other.

The first discussion focuses on the question of how much food is needed. Starvation is obviously something that has to be prevented for future generations too. However, to enable future people to live in accordance with their dignity, the threshold of decency should be higher than mere biological survival. In this case, the above-mentioned definition – which refers to the right to 'free and general access to adequate food' – is equally applicable.

The second aspect is more complicated. Do future generations have a right to certain types of food that fit with traditional backgrounds or personal identity? One could argue that these have changed and will change over time. Consumption patterns in, for instance, the Netherlands have changed quite dramatically over the last 50 years. And this may keep changing during the next 50 years. Therefore, this aspect can hardly be included in the concept of a right to food for future generations. Nonetheless, it would be too easy to conclude from this dynamic that we can reduce the discussion to the elements of food security and safety. This would exclude one important aspect: the value of food choice that is intrinsically related to autonomy. Only in relation to those whom we consider not to be fully autonomous persons yet (e.g. children) or no longer competent to act autonomously (e.g. people suffering from severe psychological disorders) do other persons decide what they will eat (Meijboom 2010; Meijboom, Verweij and Brom 2003). Therefore, the right to food should also include the ability to choose the food that is adequate from both a health and a social perspective.

In practice, this implies that future people have a legitimate claim (a) to have sufficient safe food to lead a decent life and (b) to have food that has a level of quality that enables people to make autonomous food choices.

The final step is to determine what such a right would imply vis-à-vis the food consumption of currently living people. Is our present food consumption to be constrained by the rights of future generations? My answer is positive, but I do not think that such constraints should be understood as direct and perfect duties. To support this answer, I have three arguments. First, there is the argument of uncertainty. The relation between a specific change in food consumption and

the fulfilment of claims of future people is often characterized by uncertainty. There are no simple causal relationships between one's food pattern and addressing rights problems. To begin with, a food pattern consists of many – mostly both sustainable and unsustainable – elements. This makes it complex to define whether a consumption pattern should be changed given the claims of future generations. Furthermore, even in those cases where there are clear links between aspects of one's consumption pattern and sustainability, they still raise a question about whether one should change one's consumption behaviour. For instance, food transportation has a clear impact on CO_2 emissions and therefore on the available resources for future generations. Nonetheless, in some cases, producing food in only a few areas in the world in a sustainable way and distributing the products around the world could turn out to be more sustainable than producing it locally. Furthermore, it has been argued that, by using technology and innovation to help in a smart way, we have not yet reached the limits of food production. It is beyond the scope of this article to check and analyse these claims. However, it can be seen that it is not easy to prove that a lack of constraints on current consumption will directly endanger the legitimate rights claims of future people.

Second, there is the argument about complexity: this refers to the abovementioned problem that the food chain is global and complex by nature. As noted, this is the reason why (supra)national governmental organizations in particular take the lead regarding the right to food. They can create the infrastructure and the level playing field that is needed to guarantee food security. For the legitimacy of the right to food this is no real problem, but for the discussion about constraints it is a serious hurdle. These governmental bodies do not consume. Therefore, that aspect has to be delegated to individual consumers. This leads to two problems. To begin with, it might result in a demand that is imposed by the government rather than an individual duty that directly follows from the rights claims of future people. This is problematic, as it becomes unclear what the real moral driver is with respect to the right to food. Furthermore, given the lifestyle aspect of food, it raises a moral problem if a government intervenes in food choices that follow specific conceptions of the good life. In addition, I referred above to Pogge to show that delegating duties to an institutional level does not imply that individuals no longer have a duty. However, even in the case of duties towards current generations, the argument is that one needs to help bring about and sustain an order that secures access to basic necessities 'according to his or her means' (2002, 69). And that condition especially leads back again to the first problem of uncertainty.

Finally, there is the argument that starts from the classification of food consumption in the private sphere. The choice of a certain type of food or a certain lifestyle is – in a liberal tradition, understood as a personal choice that should only be influenced if there are very strong reasons at stake (cf. Beekman 2008; Rippe 2000). There are differences in this line of argument, for instance in relation to the way in which obesity should be addressed. However, in this example the public health aspect or the need to protect vulnerable citizens (e.g. children)

is often mentioned in order to justify any interference at the level of food consumption.

Does this imply that the right to food of future generations does not have any effects on our current food consumption? I think that would be too strong a conclusion. In spite of the above arguments, it can definitely have an impact on our current food consumption. To trace this normative impact, we have to look again at the above-mentioned arguments. To start with the final one, even if we grant that food consumption is primarily a private issue, it does not rule out governmental intervention. Intervention to guarantee the (basic) rights of future generations does not necessarily imply that the government is taking a stance in the debate on the basic conceptions of the good life, but this *can* be considered as a way to make the 'harm' principle operational. Consequently, a government can limit the freedom (of choice) of individuals. Furthermore, the impact that food consumption has on others, that is, those who are currently living and those who will exist in the future, is a strong factor to stress in advocating that food consumption is no longer a strictly private issue.

This also links to the first two arguments on uncertainty and complexity. Even though it is difficult to trace what makes a specific consumption pattern sustainable, the general imperative to strive for sustainability is still valid. Therefore, I agree with Berry *et al.* that 'without integrating sustainability as an explicit … dimension of food security, today's policies and programmes could become the very cause of increased food insecurity in the future' (2015). Consequently, individuals can also explicitly take into consideration how their food use in everyday life may either 'facilitate or hamper environmentally, socially and culturally sustainable paths of development' (Terragni *et al.*, 2009). As mentioned previously, this focus on sustainability in the light of future generations' rights should not be understood as the moral basis for direct and perfect duties, but it can serve as the moral ideal from which individual consumption choices can be assessed (cf. Meijboom and Brom 2012). This implies that the constraints on food consumption do not and cannot have the form of complete bans that are issued by governments. Given the uncertainty, complexity and individual freedom of the current generation mentioned earlier, the rights of future generations do not result in a moral ground that can be used to enforce a ban on the consumption of, for instance, meat or on the global transportation of food products. However, we can have reasonable expectations of individual consumers that they take into account the sustainability of their food choices and the rights of future generations. Taking this one step further, the rights of future generations can be a compelling reason to start debating with those who deliberately do not take sustainability into account in their food choices. However, at this point, institutions come into the picture again. Both companies and public organizations have a duty to enable and support individuals to make these decisions. This should be improved, because 'most European consumers are not offered clear and trustworthy choices, nor is there widespread consensus on consumer responsibility and agency' (Kjaernes 2012, 158). This may – at least partly – explain the problem of 'the value-action gap'. This is not

only a problem in the light of the 'ought implies can' condition of duties, but is also a way to pay due respect to current consumers to enable them to take the interests and rights of future generations into account, in spite of the complexity and uncertainty at stake.

Finally, I can identify one aspect of current food consumption that has a direct implication for future food security and food choice and does not suffer – or at least suffers less – from the problems of uncertainty and complexity: food wastage. The FAO calculated that 1.3 billion tons of food, which is one-third of all food, is wasted (Food and Agriculture Organization of the UN 2013). In some developing countries this is the result of inefficient farming; however, in the Western world it is mostly the consequence of buying too much food. From the claim of future generations there follows a duty to put constraints on this problem of food wastage. Of course, making this operational will not be easy, but this is at least one constraint that: (a) follows from the rights claims of future generations; (b) has the individual as the duty holder; and (c) is feasible to fulfil for the individual consumer without having a direct impact on their lifestyle.

6 Conclusion

In this chapter, I showed that we can speak about a genuine human right to food that is directly linked to the basic needs of humans and can comply with the proviso of practical feasibility. Furthermore, I argued that we can reasonably assume that future generations will have an interest in food, in the sense that they will need food for daily life. Furthermore, this argument entails that a genuine human right to food implies that we should have the ability to make autonomous food choices. Safeguarding this right has a direct influence on our current food consumption. Even though we cannot speak about a direct and perfect duty of the individual or about the possibilities on a public level of banning specific food consumption patterns or choices, it is possible to identify three duties regarding the rights of future generations. First, there is the duty to consume less and waste less food. This barely influences current food choices, but has a direct influence on the ability of future generations to enjoy food. Second, there is a general duty to strive for sustainability, i.e. to assess individual consumption choices from the perspective of their impact on the potential of future generations. Finally, we can identify a duty to establish and maintain competent and committed institutions that are able to deal with the collective and global dimensions of the right to food. They will carry out their remits in such a way that they will guarantee future generations sufficient safe food in order to lead a decent life and food of a level of quality that will enable them to make autonomous food choices.

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