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(Review Article)

Ethics & Food: Food as a Strategic Commodity or a Natural Right of the Individual

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Abstract

Background: From a legal point of view, although food as a human right is recognized in the international law and domestic law of many societies, like other welfare rights, they are still in dispute in practice and opinion. Therefore, in the present article, the authors tried to examine whether the need for food for human beings - without discrimination and based on the inherent dignity of human beings and the value of life, regardless of need also creates a right or whether food is just a commodity. An economy and strategy that is produced with the aim of generating profit and not meeting the needs of the people.

Conclusion: With the change of government in recent years and the abandonment of the views of welfare states and the tendency of governments to regulate and avoid direct intervention and undisputed influence of transnational corporations in all social spheres, as well as the pessimism of developing governments and thousands of similar cases have created parallel discourses alongside the right to food discourse. One of these discourses that has a historical flaw is the food paradigm as a guiding commodity that sees food not as a right but as a valuable commodity. This market-oriented approach believes that the duty of governments is not a legal obligation to provide healthy and sufficient food, but governments are obliged to create the necessary conditions for the economic development of society, which will improve the food security of society.

Keywords: Ethics, Right to food, Strategic commodity, Fundamental rights, Basic needs

Introduction

Perhaps throughout human history, no issue has provided as much motivation for effort as the issue of food and how it is provided as a basic need for human survival. (1) At the same time, eating, in addition to satisfying the need, is also a moral matter, and what is chosen to eat is a reflection of the beliefs, values and living conditions of individuals. (2) Therefore, ecologists of development patterns believe that people's way of preparing food is not only the means of physical capacity of their living environments, but also with the insight of society and how people perceive nature and its relationship with the rest of the world. The importance of the

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issue of food became more widespread with the increase in world population, especially after the Industrial Revolution, and today it has become one of the main concerns of both developed and developing societies. It is obvious that if we are unable to provide food, human societies will face the painful catastrophe of hunger, a catastrophe that itself has caused many painful social and economic ills; therefore, a correct and logical understanding of the issue of human need for healthy food can help governments to take smart measures and fulfill their obligations.

What the authors have been looking for in this office is the answer to the fundamental question of whether food is one of our fundamental human rights or a valuable commodity available to human beings. In other words; although food is one of the basic human needs for survival, the question is whether this need for human beings - without discrimination and based on the inherent dignity of man and the value of life and regardless of need and need - also creates right or whether food is merely an economic and strategic commodity. Is it produced for the purpose of generating profit and not meeting the needs of the people? However, in order to answer this question, it is necessary to deal with the historical course of formation and the theoretical foundations of these two views. So our starting point here is to formulate dual paradigms (from a historical, philosophical and legal perspective), which ultimately leads us to conclude that although in the legal literature the focus is on the notion of the right to food, but in practice, the absolute ruler in this field. Commodity is food in the face of man.

Strategic commodity paradigm:

The framework of the food paradigm argument as a strategic commodity is based on the claim that although food is one of the most important and necessary human needs, this human need to provide and fulfill food does not necessarily create a special right under constitutional law. Because food is a commodity, not a right, it should be treated as a commodity.

Historical analysis: For thousands of years, man has been a livelihood collector hunter from the beginning, and it is only in the last 11,000 years that he has planted his food. The industry emerged at different times and places. As wheat and barley were domesticated in about 8500 BCE in southwest Asia, about 7,500 BCE in China. Rice and millet were domesticated, and people in Central and South America settled around 3,500 BC. They domesticated corn. Agricultural technology started and spread from these three main beginnings. These plants were carefully selected, domesticated and propagated, and slowly laid the foundation of human civilization (3) in such a way that today the form of human life can no longer be imagined otherwise.

In the early days of human agriculture, although the issue of surplus production was not defined as a commodity for supply and sale, and a large proportion of food produced in the same areas was generally consumed locally, it itself created social stratification. Gradually, with the emergence of primary markets as places for the exchange of food items, the momentum of these changes increased. Production for sale and profit, rather than production for personal consumption, was a hallmark of these early enterprises, and basically the exchange of all goods in the market took place. (4) Hence the concept of private property emerged and land was considered as its starting point.

Continuing this process, with the aggregation of villages and the expansion of early towns and the formation of early governments, the rulers of the regions forcibly took over food, employing full-time scribes, soldiers, and workers who were skilled at making something. They could also force some people to build, because the farmers who worked on the land provided enough food for everyone. It was a storehouse full of food that empowered its owner to start a war, to build temples and pyramids, and to feed their sculptors, weavers, and metalworkers. So the feed became the asset and the power feed became the control. (3)

So when people no longer have to worry about starving themselves and go about their daily food, they can choose to be artisans or artists or architects and sculptors, and this is where art and architecture come into play. Therefore, this feed additive became the basis for the emergence of human civili-

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zations. Therefore, in any society that had more agricultural reserves, the possibility of civilizing that society and its dynamism was more.

From the beginning of the Industrial Revolution in the early eighteenth century, the process of production and consumption faced a crisis. The priority of the industrial community was no longer agriculture. In search of work, farmers abandoned their paternal lands and moved to growing cities and industrial centers. On the other hand, the development of facilities such as canals, railways and road systems allowed the transport of food over long distances to destinations far from the place of production. (4) Industrial societies could therefore develop without fear of starvation.

With the advent of the new food order, which is the product of the phenomenon of economic neoliberalism from thirty years ago until now, the cycle of food production and consumption has changed. The four principles of neoliberalism, namely deregulation, liberalization of international trade, reduction of public spending, and privatization, create a new international food order that can be identified in five ways: First, a dramatic increase in the power of large corporations. Second, the international division of labor based on increased exports to the southern (underdeveloped) world. Third, increasing the duality of market products in terms of quality and the proximity of low-quality products to rich and high-quality products. Fourth, biotechnology and nanometers and intellectual property of these products and fifth, accelerating the reduction of natural resources. (5) Therefore; in the neoliberal food order, the hegemonic power of governments in the field of food policy has diminished, and it is the private companies that regulate food policy, and governments have largely avoided direct intervention in this area.

Ultimately, we believe that food has been the catalyst for social change, geopolitical rivalry, industrial progress, military conflict, and economic development for centuries. (3) After this perspective, feed is still an asset and control over feed is power.

Theoretical analysis: Although food in this paradigm is considered a human need, but this need does not create a right for him in any way, but ultimately will create an illegal obligation of the government in certain circumstances (whether this obligation is due to human morality or The protection of the collective interest, or from any other point of view that is justifiable.) So that the collective interest is not harmed. Because harming the interests of others (including the hungry) harms the collective interests. Therefore, from the perspective of this approach, the word obligations will be accepted instead of rights. If O'Neill, as one of the most critical critics of economic law, addresses the issue of obligations before addressing fundamental human rights. He writes: "Because of the conflicts that sometimes exist between politics and law, and even in certain cases, the executive guarantee of those rights is not specified in the law, it causes politicians to ignore these rights and ultimately creates dissatisfaction among right holders." So instead of focusing on rights, it is better to focus on moral obligations and persuade people to pay attention to the basic needs of needy people. O'Neill states; these rights have only novel meanings and value; but the sting of their mockery greatly afflicts the poor. In this view, the government's commitment to protecting the basic interests of citizens is not in terms of rights but in terms of protecting the collective interests, which will be harmed to the collective interests if neglected. (6). Thus, as in the past, providing access to food - especially in times of famine - was a moral obligation for governments (7), this is still the case today.

This argument is such that it encompasses all socio-economic rights. Neoliberals therefore believe that rights subject to redistribution of income and property are not only corrupt and not right at all, but violate real rights (such as property rights) and impede the proper implementation of human rights (such as civil and political rights). Are counted. Today, even neo-Marxists see socio-economic rights as exploitative, and poststructuralists see them as a means of expanding the administrative power of the state to control individual subjects. (8) Therefore, it must be believed that the theory of food commodity has strong defenders with a variety of principles.

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From a legal point of view: Although the international community agreed on the Universal Declaration of Human Rights in a relatively short period of time after World War II, the binding provisions in the framework of a document or documents on this issue in the Human Rights Commission and the UN General Assembly are almost two It lasted a decade (9), which was the result of numerous conflicts between the political blocs in international relations; Because the Western bloc (pro-capitalist), especially the United States, emphasized the primacy of civil and political rights, the same rights that had been consistently violated by the Soviets. Socialist countries, on the other hand, believed in the primacy of economic and social rights, especially to highlight the racist image and labor problems in the United States. The Western bloc believed that socio-economic rights such as the right to food, health care, social insurance and education were less important than civil and political rights such as due process and equal protection before the law. (9) Therefore, these issues belong to a different logical category and are not really human rights. In the meantime, developing countries, especially nonaligned countries, have focused on development rights instead of paying special attention to these categories.

Finally, economic, social, and cultural rights were met with a relatively weak majority of 29 to 25 with four abstentions, after much debate. (10) This resistance was so great that the United States, although it signed the International Covenant on Cultural, Social and Economic Rights with many ifs and buts, has not yet ratified it, so the US Supreme Court the enshrinement of fundamental rights related to social welfare in the constitution is completely contrary. (11) This difference in instances of human rights was also true in the recognition of the right to development as a human right, after many ups and downs, so that thirty-eight years after the adoption of the Universal Declaration of Human Rights, these rights with 146 The affirmative vote, 1 vote against the United States and 8 abstentions (Denmark, Germany, Finland, Iceland, Israel, Japan, Sweden and the United Kingdom) were finally approved. (12)

These conflicts over the recognition of the right to food as a human right were also evident. The United States was the only country to refuse to sign the final declaration of the World Food Summit in 1996. As in 2002, it added a clause stating that the right to food could not impose any binding obligations on governments and allow citizens to sue domestically or internationally. The same is true to a large extent in the European Union; this is because none of the EU member states has yet explicitly recognized the right to food in their constitutions, and there is no mention of the right to food in the European treaties. (4)

In summarizing this paradigm, it should be noted; the implications of this food paradigm are significant in that in a liberal economy, everything is understood as a commodity, so that all investments will always be for the production of goods for sale, not to meet the needs of the people. (Whether it is a basic commodity such as food and medicine or luxury such as a private jet). Thus, both the United States and the European Union seem to adhere to an ideology that makes market-based resource distribution much more efficient than a right-to-food plan. However, the; Duties and obligations guaranteed by the right to food clearly disrupt this situation.

The paradigm of fundamental rights:

The framework of our argument in dealing with the right to food is based on the claim that food is one of the basic needs of human beings and that human beings have fundamental rights to provide and realize food; Because the provision of food and relief from hunger is the most basic guarantee of the dignity and equality of individuals and the precious life of human beings; Thus, the right to food and the right to freedom from hunger are at the heart of the crossroads of rights, because food is the most basic human need for survival (13) and, according to the Center for Hunger, "starvation is premeditated murder. "Suffering from severe and severe malnutrition and chronic and persistent hunger is a violation of the fundamental right to life." (14)

The right to food is, in fact, part of a broader human rights framework formed in the form of a social construct of the struggles of individuals, social

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groups against oppression, exploitation, discrimination and abuse of power by governments and other powerful religious, political and economic actors. The second generation of human rights (socio-economic rights) was in fact one of the fundamental values of the socialist view and welfare states with the aim of abolishing private property. However, in the original view of welfare states as part of the International Covenant on Economic, Social and Cultural Rights, the right to food meant that states were obliged to provide free food to anyone in need, and therefore it was concluded that this was impractical. Citizens become dependent on the government, and this perception leads to opposition to these rights in relation to political and civil rights, but with the expansion of concepts and the clarification of ambiguities, today the right to food is not defined as the right to food. In fact, in this sense, people are expected to provide their own food with their own efforts and access to their own resources, and governments are generally obliged to provide empowerment environments that allow people to use their full potential to produce or prepare food. Enough to use for themselves and their families. However, in certain circumstances, such as natural disasters, wars and armed conflicts, or imprisonment, governments are required to provide direct access to food.

Therefore, today, the duty of the government to respect the right to life of individuals and citizens is not limited to protecting their lives and preventing crime and ensuring public order, but this right includes other rights such as the right to food, clothing, housing, health, The right to education ... without which the right to life and other freedoms of the individual will be vulnerable, because it is not possible to enjoy all the freedoms of the hungry, the sick or the homeless or the least literate. (15) Therefore, the discourse of equality rights in the framework of human rights, in order to get rid of basic human needs and needs (16) is seemingly inviolable, although in practice there is a lot of contradiction against it.

The right to food is classified among human rights under economic, social and cultural rights, and the essence of this category of human rights is the right to a proper standard of living. What follows, then, is to examine the fundamental values of socio-economic rights as the basic values of the right to food and then to articulate its justifiable arguments and to draw a conceptual framework of the concept of the right to food under the human rights literature.

1. The fundamental values of the second generation of human rights (and the right to healthy food in particular): It should be noted first; sometimes some experts have inadvertently confused the concept between principles (values) and justified arguments. Explain that principles and values are the desirable ends that are rooted in our epistemology of the world and man, while the justifiable arguments of truth are reasons under the principles and values that are raised in order to make a claim of right and seek to prove the logic of truth. Or its absence is a claim. Similarly, what follows is first the expression of two values and then the justifiable arguments for welfare rights (the second generation of rights), including the right to food.

1.1. Intrinsic Dignity: Although there are different approaches to the inherent dignity of man and his worth in the literature of philosophy of law, on the one hand, all these schools value this concept highly and uniquely. As Durkin puts it: Anyone who claims to take rights seriously must at least accept the idea, though vague, but powerful, of human dignity. (17)

The word dignity has a meaning that includes value, intrinsic, or incidental dignity and honor, through which the person in question, that is, the honorable object or person, is recognized among other objects and persons, and thereby, a special value and respect for him. Emerges. (18) In the framework of the theory of value and inherent human dignity, the idea of right means to place unconditional value on the existence of anyone or anything that has ultimate and purposeful value and can move in the direction of value creation (Wealth of people relative to each other.) (19)

Explain that; at some point in the history of their collective life, human beings have come to the conclusion that their spontaneous interactions and relationships have in many cases led to the "instrumentation" and / or "commodification" of human beings. For this reason, the view arose that "let us not treat man as a tool or object" because if man is

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treated except in the form of these commands, his being or being a person will be questioned and trampled on. . (20) Accordingly, what is the end is the identity of man, which must be respected, and what must be employed is not man, but nature and the world around man. As John Stuart Mill states in his famous treatise on nature: The value of nature is not in and of itself, but is dependent and in the service of profit and goodness or benefit to man. (21)

The issue of human value as the basis of rights was first raised in the form of the first generation of human rights (civil and political rights). Focusing on the inherent dignity and worth of human beings in the Universal Declaration of Human Rights and paying attention to their inherent dignity as the basis of right in the preamble to the Covenant on Civil and Political Rights indicates human value, especially its inherent aspect as the foundation of first generation rights. This simple and customary conception of human dignity, people should have a minimum of living, health and education. Because their deprivation of these minimums generally forces people to do things (such as begging or prostitution) that the moral conscience of human beings sees these actions in conflict with human dignity. (7) It was the case that the Committee on Economic, Social and Cultural Rights also stated in paragraph 4 of General Interpretation No. 12 the close relationship between the right to food and human dignity and declared that "the right to food is inextricably linked to human dignity". And it is essential to enjoy the other rights enshrined in the International Charter of Human Rights."

In general analysis; Rights rooted in the inherent dignity of the human person (23) have the following five characteristics:

1. The concept of inherent dignity is a simple matter that cannot be graded. In other words, it is impossible for a human being to have a higher dignity than another human being. Therefore, equal dignity will be equal to the appropriate salary. Therefore, the first result of this value will be the principle of equality. That is, the value of life of each member of society should be considered equal to the value of life of others. Therefore, the requirement of human equality is that they are equal in terms of basic needs. The importance of the principle of equality leads us to the conclusion that every human being should have the right to have the necessary conditions for a worthwhile life. For this reason, the laws governing a society must be designed and codified in such a way as to regulate the distribution of community benefits and expenses among a group of individuals (society). This is where it becomes clear why we do not consider laws that are tailored to specific individual interests to be appropriate for a society alone because the principle of impersonalism and equality is not observed. (11) Thus, gradually during the struggles for freedom and equality, the minds of political, moral, or legal theorists have turned to the point that, in the face of the abovementioned violations of human equality, there must be a safe circle for each individual. Humans provided that no one, especially governments, could easily enter and encroach on that circle; Therefore, in order to preserve the dignity of equal human beings, they have resorted to the concept and institution of truth. Thus the equality of values of human beings leads to the equality of their rights. (20)
2. Rights inherent in dignity are absolute rights which no other right can replace. For example, the right of ownership can never replace the right to food as an absolute right.
3. Rights based on human dignity are permanent rights that cannot be denied under any circumstances. Therefore, the right to food, as a fundamental right based on inherent dignity, will not be deprived of prisoners even in wartime.
4. Dignity-based rights include not only negative rights (respect and immunity) but also positive rights (assistance and intervention). For example, the right to food as a human rights right has the same dual identity that creates different obligations for governments.
5. Finally, rights based on inherent dignity are fundamental rights whose existence and absence cause the decline of a person or human personality. (24)

1.2. The value of human life: Life is one of the intrinsic and natural values that are the basis of all human rights, because all rights are independent of human existence and without it, no right has any meaning for a person. (15) In the words of the French revolutionary Robespierre, in his speech to

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the National Assembly of this country, he says: What is the first right of human rights? The right to life; Therefore, the first social law is to guarantee the means of subsistence for all members of society, all other laws are a subset of this right, property is not created or guaranteed except for its stability.
As a result; intrinsic dignity and valuable human life are the slaves who exercise their rights to protect and uphold it. In other words, right is a servant and a sub-value, while human life is a servant and fundamental value. Therefore, if entitlements such as immunity from unjustified imprisonment, torture, murder, the death penalty, slavery, forced labor and assault, or entitlements such as claiming food, clothing, shelter and medical treatment are rightfully expressed, There can be no doubt about their correctness. Each of these rights of immunity or right of claim is a sub-value or servant that upholds the fundamental or inherent value of human life. (20) Therefore, the foundation of these rights is the fundamental value of human dignity and valuable life that law seeks to consolidate and preserve.
2. Justifiable arguments for the second generation of human rights the second generation of human rights (and the right to healthy food in particular): Often two approaches to essential benefits and basic needs have been considered by experts as the justifiable arguments for the second generation of human rights. Their foundations, with any interpretation, are based on the inherent dignity and worth of human life.
2.1. Essential benefits approach: One of the common claims about the justifications of human rights in general and welfare rights, including the right to food in particular, is that, for example, speaking freely or having basic necessities has various essential benefits for human beings. These interests are so important that they are easily justified by the protection and protection of the law. Nussbaum believes; Human beings have a variety of basic interests, so they have the "right" to have such benefits provided for them. (11) According to the theory of benefit, right means guaranteed benefit. Accordingly, rights are designed to preserve and protect a necessary benefit or benefit.
Philosophical genealogy the theory of profit goes back to the school of utilitarianism or utilitarianism. This school, which was also the most important early representative of welfare states, was known as the dominant discourse for a hundred years (1850-1750) throughout Europe. (25) According to this idea, the moral or normative value of an action is determined solely by its usefulness in maximizing pleasure and minimizing pain or suffering, as assessed among all sentient beings. (21) Therefore, all rights in this view are based on gaining profit and repelling loss. So deeds with good results are good, even if the intention of the doer was bad, and deeds with bad results are bad, even if the intention of the doer was good. Therefore, it is better to reach the intention from the result. Consider, for example, the fulfillment of a covenant as a rule of law, because the results of its acceptance are far better than alternative theories. (26) From this perspective, justice is an objective matter that the government has a duty to ensure. Therefore, every action taken by the government should result in providing maximum welfare for the largest number of people in the society. (25) Therefore, the government, as a force of reason, is obliged to provide the maximum interest for the largest number of people in the society, and in the meantime, in case of conflict between the interests of the members, to seek public interests and create full coordination.
Durkin, however, states in his critique of this theory; According to this view, it will sometimes be necessary for the collective interests and claims to ultimately take precedence over the interests and claims of some individuals. Therefore, consequentialism and utilitarianism ultimately violate the principle they claim, namely equality of value and inherent dignity of individuals the above five characteristics) will result. Hence, the principle of value equality prevents the belief in consequentialism and utilitarianism as much as it leads to the belief in individual right. (20)
2.2. Basic Necessity Approach: According to this theory, human needs due to the need to survive or improve their existential quality, requires response. The answer to this existential situation also requires his interaction with the nature around him. Because basically the concept of need expresses two existential situations: one. The position of man as a being in need. Two. The position of nature around him

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as a source of response to need. In this regard, man by intervening in nature uses it to his desired quality to meet his needs. (21)

This humanistic conception is evident in the works and ideas of many philosophers, including Socrates, the Stoics, Thomas Aquinas, Bacon, Kant, Mill, and Hegel and Marx. According to Hegel, man needs something other than himself, the nature around him, and he must master it to satisfy his needs. According to Marx, the human being is not in his mind, deprivation and need. Through the changes he makes in the environment, man uses and dominates it for his purposes, and this is the main difference with other beings. [21] What follows is an examination of the question of basic needs and their relation to fundamental rights.

Problem-solving of basic human needs:

The problem-solving of human needs has been one of the most important scientific issues for thinkers in different scientific fields, and each of them has classified the different needs of human beings according to their attention to different dimensions and aspects of human existence; Because need is a general concept that has a relatively wide range of applications in various fields and, depending on the case, several definitions are offered.

The need for an economic approach means; the desire of people to have goods and services is defined regardless of their ability to provide those (27). From this perspective, the next issues are need, demand and consumption, which are defined as follows: demand is; it is the amount of goods that consumers are willing and able to buy at different prices over a given period of time. Consumption is also a process that will occur after demand. Means; It is the use of goods and services to meet human needs (27).

From a psychological point of view, need is a state of deprivation, deficiency and lack in organisms, such as lack of food, water and oxygen, or in general the lack of any state that is necessary for the survival of a living being and is necessary for the well-being of the individual. The first attempts at an objective list of needs were made by Henry Murray (1988-1893) and colleagues, based on a psychological approach. He began by distinguishing between two sets of needs. Primary needs that had a physiological aspect and secondary needs that had a psychological aspect. After him, Abraham Maslow (1970 to 1908) defined human needs in a hierarchical manner in five categories, including physiological needs, safety, love, self-esteem, and self-fulfillment, so that failure to respond to the needs of each class would lead to inaccessibility. Other classes were needed. (28) In the division of needs, as proposed by Deob, man has needs that include various aspects that oblige governments to pay attention to these needs, and at the top of that is the need for survival, which is provided by provision. Nutrition, housing, clothing, employment, preventive and curative medicine and treatment, and support for life and property are provided. (29) In William Glaser's theory of choice, where he seeks to introduce the four basic concepts, he considers the first concept to be needs, at the top of which is the need for survival, and includes all essential physical needs such as food, water, air, and shelter. Includes clothing. The need to provide security to survive is also a subset of this need (30).

In the model of needs, based on the view of Islam, the first need is introduced under the title of health of the body (the need for physical health) (31). Human needs are also classified into two categories; Decades of physical needs such as food, water, medicine and decades of honorable or spiritual needs such as science, faith, security, freedom, justice (32).

Basic Needs and Fundamental Rights Ratio: Maurice Cranston offers a three-pronged test to trace the relationship between human needs, including food and a healthy environment, and to claim that they are right. Pass the test. It is the first test of applicability. This means that individuals or governments can only be tasked with something that can be done. It is the second universal test. One can speak of human rights when they are universal. There are two criteria for recognizing the universality of a right: first, such a right must be for all; And second, this right to create a universal obligation. The third criterion is that human rights must be asserted before all (8).

At the same time, it should be noted; Humans face a variety of needs - some of which are sometimes

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in conflict - some of which, of course, are fundamental in nature and some of which define other human needs. This distinction is common among legal and justice scholars, for example Rawls has recognized it as a primary commodity or Durkin has identified it under internal and external sources. (33)

It should be noted that for two reasons, the distinction between two levels of human needs and the subsequent commitments that governments must make to protect and protect these interests and needs is of particular importance as they show us that these two levels are different. In such a way that the basic interests and needs are more necessary, therefore, they should be given priority. Primary benefits and needs indicate the level at which the most vulnerabilities are located. To put it more clearly, at this level the survival of people is at stake and there may be no sign of a value life at all without them. Therefore, the need to pay attention to the basic level (minimum requirements) confirms the determination of an unconditional commitment in recognizing its priority and preference. It should be noted that secondary needs will not automatically be protected if the necessary support is not provided at the primary level, and commitment to them will be meaningless.

Also, at the basic level of needs, we are faced with two supply thresholds for basic needs. In such a way that some basic needs are considered as necessary preconditions for the realization of other needs and values, so it can be said that the lack of some resources and goods can put human existence between survival and annihilation; Like the presence or absence of a certain amount of food and water or having shelter. Therefore, these goods can be called survival needs. It is important to know that the volume of "survival needs" is generally small. Although a very small amount of food can keep a person alive and meet the initial supply threshold, the same person may not have enough food to be safe from malnutrition. So while chronic malnutrition does not cause a person to die quickly, it will certainly lead to death over time. Achieving survival requires organisms' access to more of the resources necessary to maintain their survival. (11) Therefore, the second threshold of meeting basic needs is the issue of their health and safety, not the maintenance of survival; Therefore, the essential and basic standards of basic needs are the standards that are absolutely necessary for people to reach higher levels of socio-economic well-being in the future, not just to guarantee their survival threshold, although its standards vary according to their different circumstances will be. (11)

This distinction on the eve of the right to food is enshrined in Article 11 ۲ دوم of the International Covenant on Economic, Social and Cultural Rights and requires States to take more urgent and necessary steps to ensure the inalienable right to freedom from hunger and malnutrition. As one of the fundamental human rights. Therefore, the use of the two words right to food and right to freedom from hunger in the human rights literature is in fact a rereading of the same two levels of threshold to meet the basic need that was mentioned. If the right to freedom from hunger is an attempt to express the threshold of the need for minimum food, the lack of which poses a serious risk to human life, and the right to food in this separation refers to the second threshold and the provision of safety and health due to improved nutrition. . Of course, in many cases the concept of the right to food is used alone, in which case it will apply to both thresholds.

Elements and components of the right to food:

In the general interpretation No. 12 of the Committee on Economic, Social and Cultural Rights, as the body supervising the implementation of the Covenant, in order to objectify the right to food, has expressed the key elements of this right. These elements are: adequacy, cultural acceptability, health and economic and physical access.

(A) Economic and physical access: The Committee, in paragraph 6 of its general interpretation of the right to food, believes that the right to adequate food is exercised when every man, woman and child, individually or collectively, has access to economic and physical Have enough time and place to prepare food or tools. (34) Of course, the concept of access does not mean that luxury foods such as caviar are included. Rather, it means that people need to have balanced nutritional needs that give them the health and physical strength they need to

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be able to recognize and achieve the important and different goals they have. (11) Physical access also implies that vulnerable persons such as orphans, children, the elderly, the disabled, the chronically ill and victims of natural disasters and other vulnerable groups need special and sometimes priority attention to access to food. are. (35) That this level of provision, if it has passed, refers to the initial level of provision and the immediate and unconditional consideration of governments to return the human being to his normal life. To measure the pillars of economic and physical access to food in each community, the following are examined: purchasing power, revenue, transportation infrastructure, access to local markets.

(B) Adequacy: Some commentators believe that nutritional adequacy is beyond what is necessary for survival, but in achieving it, attention should be paid to the effect of food on a person's health or empowering him to pursue a normal and active life. (14) It should also be noted that the concept of adequacy has both quantitative and qualitative aspects that are highly dependent on the prevailing social, economic, cultural, climatic and ecological conditions. (35) In order to assess the pillars of food supply in any society, the following are considered: domestic production, import capacity, food stocks, food aid.

(C) Health: With regard to food safety, the Committee considers that food free from harmful substances is one of the conditions that must be considered for food safety; therefore, it is necessary to develop general or specific methods to prevent food contamination - due to fraud, poor management or poor environmental health at various stages of food production.

(D) Cultural acceptability: Nutrition style in practice can reflect the religious, cultural, philosophical or moral orders and prohibitions of people who show differences in how food is produced and consumed. For example, in the Jewish fasting rules, there is an example of the influence of religious commands and prohibitions that limit eating habits. That is why the Jews believe that by food man is distinguished from God and men are separated from each other. Also, through nutrition, purity is recognized from impurity. And Christianity has an undeniable role to play in this contrast. Just as Muslims in northern Morocco needed sheep to eat and sacrifice, and because of religious prohibitions, they did not eat boar meat, so they refused to hunt this animal. However, the Catholic Christians in Spain bred and hunted various animals, so they hunted so many boars that the animal's survival was endangered. (36) Therefore, food that has a cultural or religious taboo (forbidden) for the recipient is culturally unacceptable. (37)

Conclusion

Although the issue of the right to food is presumed to be a legitimate right in the conventional legal literature and has been recognized in many legal documents, the existence of a parallel and entrenched paradigm that has happened to bring many supporters in practice has faced a challenge. The lack of attention of jurists to this parallel paradigm and the lack of programmatic attitudes in order to realize this right, has caused the general debate in this area to face a gap of pragmatic approaches. Therefore, in the opinion of some thinkers, presenting a program-oriented approach without legal requirements, such as the food security approach, can feed the poor without legal gestures. Therefore, a law that does not become legal and a law that does not oversee action will be dead in practice and a right that has been violated.

Ethical Consideration

Ethical issues (Including plagiarism, informed consent, misconduct, data fabrication and/or falsification, double publication and/or submission, redundancy, etc.) have been completely observed by the authors.

References

1. Mahalati S (2011). Relation between culture, economic, politics and food systems. *Journal of Tehran University, Faculty of Literature & Human Science*, (158,159): 615-630. (In Persian).
2. Shahvaly M, Behrozeh S. (2016). The Islamic-Iranian food security model for Iranian Rural People (Case: south

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of Kerman Province). *Journal of Economy and Regional Development*, (12): 151-122. (In Persian).
3. Standage T. (2009). *Food and history*. Translated by: Mino-Kherad M. Cheshmeh Publication, Tehran/Iran. (In Persian).
4. Poorghadery M. (2017). Food as merchandise or right. Available at: http://npps.ir/ArticlePreview.aspx?id=141968. Accessed: 12 Mar 2019.
5. Ghafory M. (2014). Capitalism and world challenge of food. Politics Journal, 44(2).
6. O'Neill O. (1995). *Justice, capabilities and vulnerabilities*. Oxford University Press, Oxford/England. Pp. 140-152.
7. Gohary F. (2016). Relation between right – food and right- healthy ecology in international systems of human right. [MA. Thesis]. Qom University, Iran. (In Persian).
8. Hemati M. (2007). Relation of Social and economic rights with Citizenship rights based on a theory of justice of Rawls. *Law Journal*, 71(58): 65-92. (In Persian).
9. Abil M. (2011). Increase of human right based on doctrine of human security. [MA Thesis]. Payam-noor University, Tehran/Iran. (In Persian).
10. Riahi-Parto T. (2016). Following of culture, economic and social right in international law. [MA. Thesis]. Ashrafi Esfahani University, Isfahan Province/Iran. (In Persian).
11. Bilchitz D. (2007). *Poverty and fundamental rights: The justification and enforcement of socio-economic rights*. Oxford University Press, USA.
12. Rezaiinejad E. (2008). Consideration of concept of right on development. *Journal of Law and Politics*, (10): 13-34. (In Persian).
13. Ansari B, Haji- Orakpoor Sh. (2012). Consideration of food right concept in economic, social and cultural law. *Journal of Law Thinkers*, 1(1): 53-88. (In Persian)
14. Talaii F, Razmkhah A. (2013). Commitments of governments about food right. *Journal of Law*, 43(2). (In Persian).
15. Tabatabaii M. (2003). *General freedom and human rights*. Tehran University Publication, Iran. (In Persian).
16. Abbasi B. (2011). *Human rights and fundamental freedoms*. Dadgostar Publication, Tehran/Iran. (In Persian).
17. Baderin M. (2003). Human rights and Islam rights: inconsistency myth. 2nd International Conference of Human Rights, Qom University, Iran. (In Persian).
18. Alavi- Ghazvini SA, Sotodeh H. (2015). Consideration of human dignity and that's impact on bioresearch. *Bioethics Journal*, 5(16). (In Persian).
19. Rasekh M. (2002). *Right and expediency*. Tarh –Noo Publication, Theran/Iran. (In Persian).
20. Rasekh M. (2017). Right or life value. *Law Research Journal*, 20(3). (In Persian).
21. Mashhadi A, Keshavarz E. (2012). Philosophical fundamental of right in healthy ecology. *Islamic Law Journal*, 13(2). (In Persian).
22. Movahed MA. (2002). *Right and justice*. Kamameh Publication, Tehran/Iran. (In Persian).
23. Steigleder K. (2014). Human dignity and social welfare. Cambridge University Press, UK.
24. Gorji AA. (2004). Concept of fundamental Rights. *Basic Rights Journal*, 2(2). (In Persian).
25. Rahmatolahi H. (2009). *Power development*. Mizan Publication, Tehran/Iran. (In Persian).
26. Hekmatnia M. (2010). *Public votes*. Publication of Research Institute for Islamic Culture and Thought, Tehran/Iran. (In Persian).
27. Farhang M. (2009). *Economic sciences*. Zehn-Aviz Publication, Tehran/Iran. (In Persian).
28. Shojaii MS. (2008). Theory of spiritual needs from Islamic point of View and its correspondence with Mazlov's needs hierarchy. *Studies in Islam & Psychology*, 1(1): 87-116. (In Persian).
29. Movaseghi A. (1998). *Renovation and development*. Ghomes Publication, Tehran/Iran. (In Persian).
30. Glasser W. (1999). *Choice theory: a new psychology of personal freedom*. Harper Perennial, New York/United States.
31. Strategic Studies Center. (2014). Analysis of need concept and needs model. Available at: http://isin.ir/node/2014. Accessed: 25 Jan 2020.
32. Hoseini Shirazi SM. (1998). *Jurisprudence and law*. Rasol Azam Center, Beirut. (In Arabic).
33. Janatan W. (2011). *Various perspectives about economic justice*. Translated by: Khalatbary F. Publication of The Parliament of Iran, Tehran. (In Persian).
34. Ebadi F. (2016). *World rank of Iran in food security (2000-2012)*. Publication of Ministry of Agriculture –Jahad, Iran.
35. Ebrahimgol A. (2009). Right to food, a prerequisite for realization of other rights. *International Law Review*, 25(39): 221-243. (In Persian).
36. Marten GG. (2001). *Human ecology: basic concept for sustainable development*. Earthscan Publications, London/United Kingdom.
37. Banikamali SK. (2010). Food right in *international* human rights law with emphasis on role of biotechnology. [MA. Thesis]. Allame Tabatabaii University, Tehran/Iran. (In Persian).

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