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Poverty and Human Rights: Building on the Capability Approach

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Abstract This paper explores the conceptual connections between poverty and human rights through the lens of the capability approach. The concept of capability can be seen as the bridge that links poverty with human rights because it plays a foundational role in the characterisation of both poverty and human rights. Once this common foundation is noted, poverty can be defined as denial of human rights. Furthermore, the capability approach also helps us to address the question of whether just any denial of human right should count as poverty or whether there should be some restriction in this regard admitting only certain cases of denial of human of rights into the domain but not others. The capability perspective suggests that the domain should indeed be restricted in some well-defined ways. Finally, the paper argues that such restriction of domain need not be inconsistent with the principle of indivisibility of human rights.

Key words: Poverty, Human rights, Capability

Introduction

Recent years have seen an increasing fusion between the human rights discourse and the development discourse. This fusion has become possible as both discourses have begun to move in a more holistic direction. For a long time since the world community adopted the Universal Declaration of Human Rights, the human rights literature focused primarily on civil and political rights, to the relative neglect of economic, social and cultural rights. In recent years, however, this imbalance has begun to be rectified, an example of which is the United Nations' adoption of the Declaration of the Right to Development in 1986. This Declaration emphasised the importance of all categories of rights, including economic, social and cultural rights, which helped bring the human rights discourse closer to the traditional concerns of development discourse. At the same time, the development literature has also begun to

acknowledge that development is not just about economic progress — it involves freedoms in many dimensions, including civil and political freedoms. This realisation has helped bring development discourse closer to the traditional concerns of the human rights approach.

The convergence of the two streams is also becoming evident at the operational level. International agencies such as the Office of the High Commissioner for Human Rights, the United Nations Development Programme (UNDP), UNICEF, the World Health Organisation and, increasingly, also the World Bank are beginning to consider how human rights concerns can be best incorporated into strategies for development and poverty eradication. Several bilateral donor agencies (especially, Department for International Development (DFID)) and international non-governmental organisations working in the area of poverty eradication and human development are attempting to embrace a human rights approach in their activities. These momentous changes in the orientation of development strategy call for clarification of the conceptual basis of the fusion of the two discourses. This paper makes an attempt in that direction by trying to explore the relationship between poverty and human rights. The central contention of the paper is that Amartya Sen's capability approach provides a solid conceptual foundation for linking these two hitherto disparate discourses.

Exactly how can the perspective of human rights be said to be related to the discourse of poverty? There are at least two possibilities, encapsulated in the following two propositions.

- Proposition 1: Poverty is a denial of human rights.
- Proposition 2: Poverty is caused, *inter alia*, by the denial of human rights.

In the first proposition, human rights have a *constitutive* relevance to poverty, while in the second they have an *instrumental* relevance. The first proposition maintains that if one explores the conceptual foundation of poverty — that is, if one asks the question 'exactly what is it that constitutes the state of being called poverty?' — then a plausible answer can be given in terms of denial of human rights. Poverty, after all, is a state of deprivations of various kinds, and it can be argued that those deprivations are nothing other than a denial of a range of human rights. The second proposition is concerned not with the conditions that constitute the state of poverty, but with the causal mechanisms that create the conditions that constitute poverty, and argues that denial of human rights plays an important part in those causal mechanisms.

The distinction between the constitutive and instrumental relevance of human rights to poverty will be explored further later in the essay. However, the paper will be concerned primarily with the first proposition (i.e. with the constitutive aspect), with a brief reference to the second towards the end. It will be argued that the constitutive relevance of human rights to poverty can be best seen through the lens of the capability

approach. In this context, two specific questions will be asked, one foundational and one operational.

- *Foundational* question: Why should poverty be seen as denial of human rights?
- *Operational* question: If poverty is to be seen as denial of human rights, which specific cases of denial of rights should we be referring to?

The paper will argue that the capability approach helps us answer both these questions.

Poverty as denial of human rights

The proposition that poverty can be seen as denial of human rights is based on the following syllogism.

- (a) Poverty can be seen as the failure to achieve basic capabilities.
- (b) Many human rights can be seen as ‘capability rights’; that is, rights to certain basic capabilities.
- (c) Therefore, poverty can be seen as the failure to fulfil, or the denial of, a range of human rights.

Poverty as capability failure

The first part of this syllogism is by now well known and well accepted, following the pioneering work of Amartya Sen. It is based on Sen’s explorations of the philosophical foundations of the concept of well-being. He has argued that well-being is best understood in terms of capabilities; that is, a person’s ability to do and to be the things he/she has reasons to value. The higher the level of a person’s capabilities, the higher is the level of his/her well-being. Since poverty can be understood in the widest sense as a very low level of well-being, it can also be seen as the failure to achieve certain basic capabilities. Thus, poverty can be defined as lack of capabilities to be free from hunger, to be able to lead a life free from avoidable morbidity and mortality, to be able to take part in the life of the community, to be able to appear in public with dignity, and so on.

This perspective helps emancipate the notion of poverty from its traditional narrow confines, in which poverty tends to be equated with a low level of income or the inability to obtain the goods and services deemed necessary for a decent living. The capability approach replaces this uni-dimensional view of poverty as low level of income with the multi-dimensional view that poverty consists in the failure to achieve a range of basic capabilities.

The difference between the two perspectives is, however, not just one of dimensions — one being uni-dimensional and the other multi-dimensional. A more fundamental difference is between means

and ends. The income approach focuses on the means, while the capability approach focuses on the ends. Income is nothing but a means, which together with other means (such as public services) helps achieve the ends of capabilities.¹ The foundational question of what constitutes poverty, as distinct from the operational question of what causes poverty, should be answered in terms of the ends that people value but are unable to achieve, not in terms of the means of achieving them. Hence the superiority of the capability approach.

The difference between means and ends would not have mattered for practical purposes if there existed a one-to-one relationship between means and end. In reality, however, the relationship is far from one-to-one. Different people with the same income may end up with different levels of capabilities for a myriad of reasons — some personal, some societal. For instance, people with different biological characteristics may require different amounts of food and healthcare in order to acquire the same degree of freedom to live a healthy life. Similarly, people living in different cultural environments might feel that they need different amounts of clothing in order to have the capability to appear in public without shame, and thus to have the capability to take part in the life of the community. Because of these variations in the possibility of converting resources into capabilities, the income-centred view may not be a good proxy for the foundationally superior capability view of poverty even for practical purposes.

The capability view of poverty is now widely accepted in the development literature. Development agencies such as the UNDP and the World Bank have also embraced the approach in their operational work, although they tend to use somewhat different terminology.² I shall therefore take it that the first part of the syllogism described earlier needs no further justification.³ In the remainder of this section, I shall focus on the second part of the syllogism, which states that a number of basic human rights can be seen as capability rights.

Human rights as capability rights

A right is a claim that a person can make with a corresponding obligation on the part of some others to meet that claim. A right thus has two inseparable components — a claim on the part of the right-holder and an obligation on the part of the duty-bearer. Without the obligation, a claim is a mere demand or an entreaty, not a right. Reasonable people may, however, differ on how demanding the reach of the claim should be and, correspondingly, how extensive should be the nature of obligations. And moral philosophers have indeed differed in these respects, giving rise in the process to different concepts of rights. In general, different concepts of rights can be distinguished depending on the nature of the postulated claim and the nature of obligations they logically entail. In the present context, it is useful to see the contrast between two particular concepts of

rights discussed in moral and political philosophy— namely, constraint-based rights and goal rights.⁴

The essential feature of a constraint-based right is that the obligation it imposes on others is in the nature of a constraint. If such a right is granted, then others are obliged not to interfere with the right-holder's enjoyment of the right — others are thus placed under a constraint as regards the kind of things they are allowed to do. Thus, if I have a right to cultivate my own land, then nobody is allowed to prevent me from trying to cultivate it if I wished to do so. Or, if I have a right to free speech, then nobody is allowed to try and prevent me from speaking my mind. Thus the existence of a constraint-based right constrains others in their dealings with the right-holder.

This kind of right is usually associated with some notion of morally just procedures. The reference to just procedure is used in order to morally justify the existence of the right. Moral theories of rights have traditionally been based on this procedural approach. Certain rules and procedures are identified that are deemed, on the basis of moral intuition, to have fundamental moral importance. So long as the right-holder adheres to those procedures, she can claim her rights.

A classic case of constraint-based rights derived from an underlying notion of just procedures is Nozick's theory of entitlements. Nozick (1973, 1974) has postulated some principles of justice in the acquisition and transfer of resources, which provide the moral justification of granting a person the right to own a resource. According to these principles, a person has the right to own what he/she produces with his/her own labour, or acquires by free exchange of what he/she legitimately owns, or receives through inheritance or gift from a person who was entitled to the resource in Nozick's sense. His basic contention is that so long as people abide by these principles of acquisition, they are entitled to own the acquired resources without let or hindrance — in other words, they have a right to those resources.

The underlying conception of right in this case is that of a constraint-based right. If a person has acquired a resource by following just procedures, he/she has the right to own that resource in the sense that others may not take it away from him/her. The Nozickian right thus entails an obligation solely in the form of a constraint on others' behaviour. There is no other obligation beyond this constraint. For instance, nobody is obliged to help the person to acquire the land or to make good use of it. Any such help might be a morally good thing to do, and those who do it might be worthy of the highest praise. But the right itself entails no obligation that others must help.

Another interesting feature of this right is its underlying moral justification. Formally, the justification derives from adherence to the principles of just procedures of acquisition and transfer. But what is the moral justification of the procedures themselves? Why are these procedures deemed morally acceptable? According to Nozick, the

justification comes from the moral intuition that these procedures have an intrinsic moral appeal about them. It appears intuitively obvious to him that these procedures must form the moral foundations of a just society. Therefore, a system of rights can only be justified if they conform to these intrinsically valuable procedures.

What is especially important to note here is the exclusive reference to the intrinsic merit of the procedures followed, without any reference to the consequences of following them. Thus, for example, the sole reason why I should have a right to my land is that I have acquired it by following procedures that are intrinsically just. The fact that, by exercising my right to the land I have so acquired, I am now able to feed my family well may be a welcome consequence of having that right, but that is not the reason why I should have the right to the land. Evaluation of consequences plays no part in justifying the right. The justification of this kind of right is entirely deontological or non-consequentialist in nature.

Nozick's concept of entitlement is a special case of what are known as libertarian rights, many of which share the twin features of relying on a non-consequentialist justification of the right and entailing obligations solely in the form of a constraint. These two features are in fact related to each other. The non-consequentialist justification of a right creates a predisposition towards confining the entailed obligation to nothing more than a constraint on behaviour. If the members of a society accept the validity of a right, on whatever non-consequentialist ground, it is also logical for them to accept the obligation not to violate it. But why should they go beyond this minimalist obligation of non-violation and feel obliged to do more, such as helping the right-holder to realise his right? They might have done so, if the right in question was justified on the consequentialist ground that enjoyment of the right would lead to a good outcome for the society in some sense. However, if the consequences of having a right do not play a part in its justification, it may seem adequate to limit the obligation to the constraint of non-violation.

Whatever the merit of such a conception of right, it is possible to argue that it does not correspond to the conception of human rights as embodied in international covenants and elaborated by the treaty bodies. The state is identified as the principal duty-bearer in the case of human rights, and the obligations imposed on it extend far beyond the constraint of non-violation. Analytically, the obligations of the state fall into three categories: to respect, to protect and to fulfil. The duty to respect requires the state not to breach directly or indirectly the enjoyment of any human right. The duty to protect requires the state to take measures that prevent third parties from violating the right. The duty to fulfil requires the state to adopt appropriate measures towards the full realisation of human rights.

The precise nature of these obligations is best clarified by taking the case of some specific human right; say, the right to food. The duty to respect entails that the state must not do anything to deprive people of their access to food — for example, by forcibly taking lands away from the

peasants, or by blocking the supply of food to adversaries in a civil war. The duty to protect goes one step further by requiring the state not only to refrain from violating people's right to food, but also to prevent third parties from violating it. Thus, if a landlord tries illegally to evict a tenant from his land, thereby violating the tenant's right to food, then it is the obligation of the state to protect the tenant from the rapacious landlord. If the state fails to take the required protective measure and as a result the tenant's right to food is compromised, then the state would be culpable even though it was not itself a party to the violation of the tenant's right. The duty to fulfil goes even further in extending the state's obligation. Even when neither the state nor some malevolent third party is deliberately trampling on anyone's right to food, some people's right to food still may not be realised in the sense that they remain hungry despite their best efforts to obtain food through the legitimate means available to them. It is then the obligation of the state to create the conditions — through economic and other policies — that would enable the people to acquire the food they need. In the extreme case, when some people are unable to feed themselves even in the best of conditions because of some disability (say, because they are too old to work and there is no one to take care of them), then it is obligation of the state to feed them.

Obviously, of the three categories only the duty to respect corresponds to the obligation entailed by the conception of a constraint-based right. The duty to protect and the duty to fulfil lie beyond the pale of such a conception of right. Therefore, if one is seeking the foundational conception of right that underlies the system of human rights, one must look for a rather different conception — one that entails more extensive obligations.

One way of ensuring that obligation does take this extensive form is to postulate what Amartya Sen has called 'goal rights' (Sen, 1982, 1985). In this approach, rights are seen as part of the goals that a society is supposed to pursue while designing its social and political institutions. The rationale of this approach is that the goals of a society would obviously consist of what the society values — and since enjoyment of rights is an object of value, they should form part of the goals.⁵

Regardless of whether rights are valued on consequentialist or deontological grounds, once they are accepted as part of a society's goals, the entailed obligation extends immediately beyond the constraint of non-violation. Goals, after all, demand protection and promotion, not just non-violation. Therefore, when we see rights as goals, the constraint of not violating the right is no longer adequate by itself, although it still remains an important part of the obligation. Duty-bearers now have the additional obligation of protecting and promoting the rights.

While the general approach of the goal rights system argues that rights should be seen as societal goals, it does not specify what substantive rights are to be included among them. This specification is, however, necessary in order to implement the goal rights system. Sen has argued forcefully the

case for 'capability rights' as the substantive content of goal rights (Sen, 1982, 1984). In this view, the realisation of people's rights to capabilities should be accepted as part of a society's goal.

The case for capability rights can be best explained by relating the concept of right to the concept of freedom and by noting Berlin's (1969) famous distinction between negative and positive freedom. The concept of constraint-based right discussed earlier is closely related to the notion of negative freedom. If others actually abide by the constraint imposed by my right, then I can be said to be enjoying some kind of freedom. For example, if others refrain from forcibly taking away the piece of land I have the right to own, then it gives me the freedom to cultivate my land. This may be called negative freedom in the sense that I have the freedom not to be coerced. Correspondingly, this type of right can be seen as a negative right — that is, the right not to be coerced.

To the extent that negative freedom is valued by the society, the concept of a constraint-based right can claim some merit by championing its cause. But its claim is a small one, as it does not embrace the cause of freedom fully. As Sen has pointed out, there are two problems here with the concept of a constraint-based right. First, it does not champion the cause of negative freedom enough; and second, it is not concerned with positive freedom at all.

The first problem refers to the fact that, by defining obligation exclusively in terms of constraint, it imposes a severe limitation on how a society is supposed to value negative freedom. The exclusive focus on constraint implies that we are to value negative freedom only to the extent of not violating them — we cannot value them enough so as to actively promote or defend them. Going back to the example of the right to food, the duty-holder is obliged not to illegally appropriate the crop produced by a peasant and thereby respect the peasant's negative freedom. However, he/she is not obliged to defend the peasant's negative freedom if someone else tries to take the crop away. Thus, negative freedom is valued, but only minimally.

The second problem arises from the possibility that even when the duty-bearer respects the peasant's negative freedom not to be robbed of his crop, the peasant may still not be able to enjoy the positive freedom to be well-fed because he/she cannot acquire enough food with his/her meagre resources. Since the constraint-based conception of a right makes no demand whatsoever on the duty-bearer to go beyond the constraint of non-violation to actually help the peasant to meet his/her needs, the cause of positive freedom is completely ignored.

By contrast, the concept of capability rights attaches value to both negative and positive freedoms fully. Since the very concept of capability signifies the positive freedom to be and to do the things we value, the respect for capability rights necessarily entails respect for positive freedoms. However, at the same time it also values negative freedom because without it capability will not be achieved. For example, if a

peasant does not enjoy the negative freedom not to be coerced to hand over his/her share of crop to the rapacious landlord, then obviously his/her right to the capability of being free from hunger will not be realised. It is important to note that negative freedom is valued here not just minimally, by obliging the duty-bearer not to violate the right, but more robustly by requiring him/her to protect it from violation by others. This follows simply from the argument that capability right is a goal that a society is supposed to achieve, but it will not be achieved if negative freedom is not protected from third-party violation.

It is this consummate respect for freedom — of both negative and positive types — that makes capability rights ideally suited to provide the conceptual foundations for human rights. Human rights, as we have noted, entail three types of obligations — to respect, to protect, and to fulfil. All three obligations imply respect for freedom in one way or another. The obligation to respect implies respect for negative freedom. To say, for example, that the state must respect my human right to food is to say that the state must not violate my negative freedom by forcibly depriving me of food. The obligation to protect implies the duty to protect negative freedom from third-party violation. Thus, to say that the state has the obligation to protect my right to food is to say that it must protect me if a third party threatens my negative freedom by forcibly depriving me of food. Finally, the obligation to fulfil implies respect for positive freedom. The reason why the state must fulfil my right to food, say, by creating the conditions in which I can acquire the food I need is that the society values my positive freedom to be free from hunger and so the state is obliged to help realise it.

The obligations entailed by human rights thus focus on the same freedoms that capability rights do. Freedom is thus the common denominator that links capability with human rights and allows us to interpret human rights as rights to capabilities. When this proposition is combined with the proposition made earlier that poverty consists in the failure of basic capabilities, it follows logically that poverty can be seen as denial of human rights.

The domain of the concept of poverty as denial of human rights⁶

Once it is agreed that poverty is a denial of human rights, a further question needs to be asked. Is poverty the same thing as denial of rights in general, or should only certain specific cases of denial count as poverty? In other words, should the domain over which the denial of human right is defined as poverty be restricted in some way? We shall argue that it should be.

Consider first the option of taking the non-restrictive approach in which poverty is defined as the denial of any kind of right regardless of the circumstances leading to that denial. This all-embracing approach would

obliterate, by definition, any conceptual distinction between poverty and denial of rights, but it is arguable that it would not be appropriate to do so. A genuine distinction exists between the two concepts that cannot be just defined away. It would clearly be odd to characterise certain denials of rights as poverty, no matter how deplorable those denials are. For example, if a tyrant denies his political opponent the right to speak freely, that by itself would not make the latter poor in any plausible sense. Certainly a deprivation has occurred in this case, but it seems implausible to characterise this deprivation as poverty.

The general point is that denial of any human right, no matter how it has occurred, would constitute a case of deprivation, but not all deprivations can be said to constitute poverty as the word is understood in the context of social policy. Of course, in our day-to-day life, we tend to use the word 'poor' in many different ways. For example, we might refer to the 'poor chap' who has narrowly missed a lottery jackpot, or to the 'poor old man' who has no heir to bequeath his vast wealth to, and so on. The common element in all these cases is some kind of deprivation that evokes the description 'poor'. However, when poverty is discussed as a social problem, the concept has a much more restricted domain.

The question is how to identify this domain. This question can be split into two parts. First, under what circumstances would a denial of a human right constitute poverty? Second, would the denial of any human right count as poverty or should poverty be associated with the denial of only a subset of human rights? It will be argued in the following that the capability approach can provide a helping hand to deal with these tricky questions. As noted in the preceding section, capability is the bridge that connects poverty with human rights — poverty consists of the failure of capabilities, and human rights can be seen as rights to capabilities. So if we can clarify what kind of capability failure constitutes poverty, we should also be able to clarify what kind of denial of human rights should count as poverty.

The literature on poverty as capability failure makes it clear that not all kinds of capability failure would count as poverty. This is so for two reasons. First, since poverty denotes an extreme form of deprivation, only those capability failures that are deemed to be basic in some order of priority would count as poverty. It is possible that the list of basic capabilities would differ among different communities as each may have its own order of priority. Empirical observation suggests, however, that it is possible to identify certain basic capabilities that would be common to all — for example, being adequately nourished, being adequately clothed and sheltered, avoiding preventable morbidity, taking part in the life of a community, and being able to appear in public with dignity.⁷

Second, even when the failure of only basic capabilities is considered, not every case of such failure may be characterised as poverty. The origin of failure is relevant for this purpose. Basic capability failures would count as poverty only when inadequacy of a person's command over economic

resources plays a role in the causal mechanism leading to the failure. As Sen (1992, p. 111) has noted, our real concern underlying poverty is “capability failure because of inadequate economic means”. The point is that while poverty implies a low level of well-being, not every case of low level of well-being can be regarded as poverty. For example, while the absence of the capability to live a healthy life is certainly a case of low level of well-being, ill-health caused by a genetic disorder will not in itself be recognised as a case of poverty.⁸ By contrast, ill-health caused by lack of access to basic health-care resources will be. In general, for poverty to exist, lack of command over economic resources must play a mediating role in the causal chain leading to low level of well-being.

Why should the concept of poverty be restricted in this way? The answer is that our existing discourses on poverty as a social problem and as a concern of social policy have invested the concept with an irreducible economic connotation by linking it with lack of command over economic resources. In view of the inherent plasticity of language, it is of course possible to ignore this association with existing discourses and extend the definition into hitherto uncharted territory. But this would not serve any useful purpose if the concept of poverty is to remain relevant for social policy. As Sen (1992, p. 111) rightly acknowledges, “there are some clear associations that constrain the nature of the concept, and we are not entirely free to characterize poverty in any way we like”. That is why the capability approach recognises that no matter how poverty is defined it cannot deny the fundamental link with lack of command over economic resources.

It is now possible to use the conceptual equivalence between the perspectives of capabilities and rights to identify domain over which denial of human rights would constitute poverty. We can argue that just as not all cases of capability failure would count as poverty, so not all cases of denial of rights would count as poverty. In particular, we can stipulate that denial of rights would count as poverty only when it meets the following two conditions:

- The rights involved must be those that correspond to the capabilities that are considered basic by a given society.
- Inadequate command over economic resources must play a role in the causal chain leading to the denial of rights.

It is important to make a couple of clarifications at this point so as to avoid possible misunderstanding. First, while the concept of poverty does have an irreducible economic connotation, the relevant concept here is not low income *per se*, but the broader concept of inadequate command over economic resources. Personal income is only one possible source of gaining command over economic resources. Other sources include access to publicly provided goods and services, communally owned and managed resources, and the resources that are made available through formal and informal networks of mutual support, and so on. If a person’s lack of

command over any of these resources plays a role in causing the denial of her human rights, she would be counted as poor.

Second, to recognise that poverty has an irreducible economic connotation is not the same thing as to claim the primacy of economic factors in the causation of poverty. There are many situations in which non-economic factors do play the primary causal role, while lack of command over resources plays merely a mediating role. For example, when discrimination based on gender, ethnicity or any other ground denies a person access to health-care resources, the resulting ill-health is clearly a case of capability failure, and hence a denial of human right, that should count as poverty because lack of access to resources has played a role here. But causal primacy in this case lies in the socio-cultural practices as well as the legal and political frameworks that permit discrimination against particular individuals or groups.

The question of indivisibility of rights

While the preceding discussion has tried to argue that there is good case for restricting the domain of human rights over which poverty is to be defined, there is one potential problem with such restriction that needs some consideration. From the perspective of the discourse of human rights, the idea that denial of only certain kinds of rights and not others will count as poverty might seem to militate against the principle of indivisibility of rights, which states that all rights are equally important.

We shall argue, however, that the relationship between poverty and human rights proposed in this paper does no violence at all to the sanctity of the notion of indivisibility of rights. In the first place, if a right is not relevant to poverty it does not mean that this particular right is less important or that effort should not be made to promote it. All it means is that promotion of such rights will fall outside the scope of the poverty discourse. More importantly, however, rights that do not fulfil the two conditions mentioned earlier may still be relevant to poverty, because rights can be relevant to poverty in multiple ways. At least three different types of relevance can be distinguished — constitutive, instrumental and constraint-based relevance. The rights that meet the two conditions can be said to have constitutive relevance to poverty. But when a right does not have constitutive relevance to poverty, it may still be relevant for instrumental or constraint-based reasons.

Instrumental relevance refers to the ability of certain rights to promote the cause of poverty reduction. A well-known example is the one that has been made familiar by Amartya Sen in his pioneering work on famines. His analysis points to the empirical regularity that famines never occur in a functioning democracy with a reasonable degree of civil-political freedoms, especially when a relatively free media is allowed to openly criticise the powers of the day. The reason for this regularity lies in the fact that democratically elected politicians cannot afford to be

oblivious to the hue and cry that a free media would raise in the event of a famine, with the result that governments tend to take appropriate preventive measures before an impending famine has the chance to strike. Civil-political rights thus play an important causative role in preventing the worst manifestation of poverty that takes the shape of famines. Obviously, however, the same causative relevance can also exist even in a situation of less extreme but persistent poverty. So, even if one decides not to include the denial of some civil-political rights as constituents of poverty (on the plausible ground that such denial is not contingent on the lack of access to economic resources), their relevance cannot be ignored in the poverty discourse.

The final way in which rights can be relevant to poverty is to act as a constraint on the types of action that are permissible in the quest for reducing poverty. For instance, while it is entirely sensible that a highly populous but resource-poor country would want to adopt measures for population control as part of a strategy for poverty reduction, it would not be permissible to adopt draconian measures such as forced sterilisation that violate people's personal liberty and their right to choose. The general point is that a right whose non-fulfilment is not in itself constitutive of poverty, and whose promotion may not have instrumental value for reducing poverty either, may still have a bearing on the nature and contents of a poverty reduction strategy, by ruling out certain types of action as impermissible.

To conclude, although only a subset of rights may have constitutive relevance to poverty, a much wider range of rights will be relevant in any discourse on poverty and in the formulation of a strategy for poverty reduction. Therefore, acknowledging that the notion of poverty as denial of human rights has a restricted domain need not compromise the respect for the notion of indivisibility of rights.

Conclusions

This paper has explored the conceptual connections between poverty and human rights through the lens of the capability approach. In view of the ongoing convergence between the poverty discourse and the human rights discourse, two questions are asked — one foundational and the other operational. The foundational question asks whether poverty can be seen as denial of human rights. The lens of the capability approach suggests that it can be because capability plays a common foundational role in the characterisation of both poverty and human rights. Poverty can be defined as the failure of basic capabilities, and many basic human rights can be seen as capability rights; therefore poverty can be seen as the denial of human rights.

The operational question then goes on to ask whether just any denial of human right should count as poverty or whether the domain should be restricted in some way to admit only some denials of human rights as poverty but not others. Once again, the lens of the capability is used to

answer the question, and the lens suggests that some restriction of domain is indeed warranted. Denial of human right should count as poverty only when it satisfies two conditions — namely, the human rights in question should correspond to some notion of basic capabilities, and lack of command over economic resources should play some mediating role in the causal mechanism leading to the denial of right.

The paper also explores the question of whether admitting only some denials of right as poverty compromises the well-established principle of the indivisibility of rights. The answer is given in the negative. The basic argument is that rights can be relevant to poverty in multiple ways, and those rights whose denial does not constitute poverty may not have constitutive relevance but they may have relevance in other ways — such as instrumental relevance or constraint-based relevance. Indeed, when all kinds of relevance are considered, it seems plausible to argue that the whole range of human rights — spanning both civil–political rights and economic, social and cultural rights — is relevant to the poverty discourse.

In this paper, we have been concerned mainly with clarifying a number of conceptual issues that arise in trying to link poverty with human rights, without attempting to draw any policy implications of the analysis. However, a couple of general remarks can be made at this stage. First, the idea that poverty can be seen as denial of human rights provides a solid justification for the recent moves to introduce the human rights perspective into poverty reduction strategies. Second, while the immediate objective of poverty reduction strategies might be to address the denial of some basic human rights, any such strategy must seek to promote a much wider range of human rights in view of their instrumental and constraint-based relevance.

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Notes

- 1 Capabilities, in turn, should not be seen as means towards achieving the end of well-being, for capabilities are the constituents of well-being — they are the ends!
- 2 The UNDP uses the language of human poverty, while the World Bank uses the language of voice, empowerment and opportunities.

- 3 For more on the capability view of poverty, see Hossain (1990) and Sen (1992, 1999).
- 4 These issues are further discussed in Osmani (2000).
- 5 The converse, however, does not follow: all goals need not be granted the status of rights. A society may well pursue non-right goals that do not entail specific obligations of duty-bearers in the same way that rights do.
- 6 The discussion in this section draws heavily upon the author's collaborative work with Paul Hunt and Manfred Nowak, as embodied in Office of the High Commissioner of Human Rights (2004).
- 7 There is some debate in the theoretical literature on precisely how the basic capabilities are to be identified. Amartya Sen's own analysis leaves the list open-ended on the grounds that, in his view, it should be up to the people of specific communities concerned to decide what is to be counted as basic. To that extent, there is some degree of relativity in this conception of poverty. Martha Nussbaum, by contrast, argues that it is possible to identify, from the basic principles of moral and political philosophy, the full set of capabilities that should qualify as basic — for policy purposes — from any community's point of view. For more on these differences, see Nussbaum (2000) and Alkire (2002).
- 8 Once ill-health has been caused by a genetic disorder, this may of course lead to a state of poverty; for example, by making it difficult for the afflicted person to take up productive activities. But the point is that ill-health in this case will have played in instrumental role rather than constituting a dimension of poverty in its own right.

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