POVERTY AS VIOLATION OF HUMAN RIGHTS:
TOWARDS A RIGHT TO NON-POVERTY

Ernest-Marie MBONDA

UNESCO SEMINAR ON POVERTY AND HUMAN RIGHTS
New Delhi, 7th to 10th September 2003
O. Defining poverty

Considering the vast literature that has been developed about poverty since the 1960s, it should not be difficult trying to define it. From this literature, one should be able find simple and precise criterion for formulating a synthetic and an unequivocal definition of poverty. Unfortunately, the vast literature brings at the same time too many criteria, and, has the subsequent effect of increasing difficulties in defining poverty.

If the criteria are too many, it is because of the complexity of the reality itself, wherein many factors interfere. It should be enough to say that poverty is the state whereby a person is deprived of the means of providing subsistence for himself i.e. satisfying the elementary needs such as feeding, clothing, housing, healthcare. The poor man can be considered as a person unable to meet his “natural and necessary needs” according to Epicure (who also distinguishes this form of needs from the “natural and unnecessary”, and “non natural and unnecessary”). One can think that by this way, the more objective and undisputable criterion has been identified among all other criteria that can be imagined. But it would remain difficult to establish the “objectivity” of this criterion, to prove that no element of “subjectivity” and of “relativity” interfere in it. It suffices to think that, for human beings, subsistence does not mean maintaining oneself alive solely through physiological functions, but implies the notion of decency. Now, decency cannot be appreciated out of a particular context that gives him a particular significance. Jean Labbens pertinently says: “the evaluation of needs cannot be made on a purely physiological basis. It is never a matter of purely and simply subsisting, but of subsisting decently. Decency is a social affair.”¹ Decency is in fact a social and even conventional notion. Even reduced to the question of subsistence, one will see that the representation of poverty is still variable from one society to another, and, within the same society, from one period to another.² Even defining poverty only in terms of subsistence therefore obliges one to take into account the context in which it is referred to. But a difficulty arises here. Should this context be limited to the community, to the State where the poor live, or can it be enlarged to the

² It can be useful to quote here Amartya Sen : “In fact, even for a specific group in a specific region, nutritional requirements are difficult to define precisely... There is difficulty in drawing a line somewhere, and the so-called ‘minimum nutritional requirements’ have an inherent arbitrariness that goes well beyond variations between groups and regions”. (Amartya Sen, *Poverty and Famines*, New York, Oxford University Press, 1981, p. 12).
international sphere? Should the level of poverty be considered according to local standards or international standards?

And when poverty implies a matter of rights or of violation of rights, one is met with more serious difficulties. According to the presuppositions of the Law, right always implies opposability and imputation, which means a person or an instance for which this right implies a duty or an obligation to comply with it. But the debtor of such duty is not easy to determine. Furthermore, this debtor is supposed to be “responsible” for the situation of poverty, and consequently a violator of a right of non-poverty. Such responsibility is a negative obligation – avoid hindering the process by which a man manages to develop his right to non-poverty – and a positive obligation – duty to help in that process to make it become effective. This responsibility, also, is not very easy to establish.

Taking all these difficulties into account (difficulty to define poverty and difficulty to consider it as violation of rights), my idea is that, firstly, it is not necessary to determine beforehand an “absolute” criterion of poverty in order to draw from it an exact representation. One can just consider that “being poor is to suffer. Poor men suffer in their body, because they don’t have enough food and that they work too hard; they suffers in their soul, because their dependence and inability brings them humiliations everyday; and they suffer in their conscience, because they have to choose, for instance, between saving the life of a parent who is ill and feeding their children.”\(^3\) Secondly, bringing the notion of poverty within national or international context makes it, surely, a relative notion, but not an arbitrary one.\(^4\) This “relativity” does not therefore affect the fact that, no matter which criterion is used to define it, poverty cannot do without infringing somehow on human dignity. From this starting point one can identify the problematic of violation of human rights, and its correlation with domestic/local justice as well as with international/global justice. These are the hypotheses this paper will attempt to develop, by a historical and critical approach.

---


I. From poverty as a moral and religious issue to poverty as a social and political “problem”.

The idea, in this section, is that in order to establish poverty as violation of human rights, it is important to firstly discuss the “epistemological obstacles” (as Bachelard puts it) that infringes this procedure. The representation of poverty as a matter of virtue, in ancient philosophies, as well as in some religions, and poverty seen as a social and political “problem”, can be considered as some of those “epistemological obstacles”. One can also add the neo liberal philosophy in which the socio-economical situations of people are said to be irrelevant to the matter of justice and human rights.

1. The interlocutor of Socrates in *The Memorable* of Xenophon, Euthydemos, gives this definition of poverty: “I consider as poor people those who don’t have enough to satisfy their needs”. In his reply, Socrates insists that poverty be considered as a matter of virtue. In the same way, Plato and Aristotle associate poverty to desire, and take it as a potential source of vice. In fact, the poor man can easily become delinquent, corruptible and envious. As well as prosperity generates weakness, poverty breeds “with the same liking of new things, baseness and the will to behave badly” (*The Republic*, IV, 422a). The extreme degree of that baseness, able to make someone lose his quality of citizen or even of human being is beggary. Plato even asks to exclude from the city those people who degrade it: “Let the country be absolutely cleaned from such cattle.” (*The Laws*, XI, 936b)⁵. Aristotle does not recommend the banishment of the poor, but is also convinced that poverty is a source of vice. “Poverty, he says, engenders sedition and crime.” (*Politics*, II, 6, 13).

We can see that for Plato as well as for Aristotle, the poor man is guilty, if not to be poor, but to be inclined to immoderation, corruption and crime in order to fill the desire of possession that obsesses him. Consequently, it is the moral structure of the city that has to be protected from the poor. Poverty is a problem not directly for the poor man himself, but for the moral integrity of the society to which he belongs. The role of the city in Plato and Aristotle’s thought, is not to promote the material well being of the citizens, but to improve the moral wealth or the common good (morally

---

⁵ This is to be compared with the ordinance of 1350, in France, in which beggars and idles where asked to leave Paris, “on pain of prison, then of pillory, marking and banishment in case of subsequent offence.” (Philippe Sassier, *Du bon usage des pauvres*, Paris, Fayard, 1990, p. 62). The translation is ours as well as those following.
speaking) of the city as a whole. Poverty here is not a matter of justice, nor a problem of right violations. If right is violated, it is that of city. And the violator of that right is the poor man. As Philippe Sassier puts it: “For Aristotle as well as for the Socratic thinkers, one can be poor without suffering from injustice… The aim of the city is not the satisfaction of needs, but honesty. What is required of it is to protect that honesty, not to establish justice seen as equality.”

2. In the Christian religion, the poor man is not seen as a delinquent, but a person who benefit from a preferential attention of God. The Old Testament presents Yahweh as the protector of humble and oppressed person against the rich. One can see that from this statement of the book of Amos: “You who exploit the wicked people, who maltreat the poor (…), Lord has sworn by his holiness: the days are coming when they will remove you with the fangs.” And the New Testament opposes the beatitude of the poor to the malediction of the rich. But the question usually debated upon is whether this poverty is a material or a spiritual one. There are many indications that lacking of resources is a most obvious sign of poverty, as illustrated with the poor Lazare who was moved to the heaven after his death while the rich was sent to hell. Rich people are said to be too proud, and it is very difficult for them to deserve the realm of God. Nevertheless, there is some emphasis on spiritual poverty, that is, poverty as a choice and not necessarily as an unfortunate state. Poverty does not automatically guarantee salvation to a poor man who is not humble, who is full of envy for example. Conversely, even if it is too difficult for the rich to go to heaven, it is possible to deserve the kindness of the God by sharing with the poor. The problem is not to be rich or to have, but to know if one can be rich and keep for himself all his goods where there are poor people. It is in fact the situation of the poor that gives the measure to assess the extent to which rich is far or near the Christian ideal. For many of the Fathers of the Church, being rich can be considered as a gift of God, which is, nevertheless, always associated with the mission or even obligation of making it fruitful for the benefit of the whole community, and the poor particularly.

One can see from these considerations an intuitive idea of taking poverty as a matter of justice, as it appears in Grégoire le Grand *Le Pastoral*, where it is said that

---

7 Even though for some authors as Gregoire le Grand, everybody deserves his place in the society.
8 Amos, 4, 1-3.
neglecting the duty to help the poor is a homicide.⁹ According to Juan Luis Vives, an author of the sixteenth century, poverty is nothing but the consequence of the sin of rich men. Rich people, he says, “dresses with silk, are recovered with gold and precious stone, are surrounded by servants and eats well everyday…” If they wanted, “they could contribute to satisfy the great part of the needs with the abundance of their incomes.”¹⁰ Here appears surely a certain idea of “rights” violation. The responsibility of rich people is in question, and from this, one can consider them as violators of a certain right. If there are poor, it is because rich people monopolize all the resources, by taking more than they should or by refusing to comply with the duty to share with the resourceless.

But the religious representation of poverty puts the matter in a teleological and eschatological perspective. Poverty is not, therefore, essentially a problem of justice. It is, contrarily, a cardinal virtue. If there is some suffering linked to the state of poverty, this suffering has to be seen as a part of a providential project of salvation. If this suffering comes from rich people who oppress poor people, the justice of God will attribute to everybody what he deserves. In this world, God takes care of the poor, by meeting their needs, and by asking the rich to share what they have with the poor. But poverty remains, everything being equal, as a main Christian ideal. Poverty is even considered as a virtue as important as love of God and love of neighbour. As it is explained by Gilles Couvreur, “For the man who follows God, it is not optional to be poor, as well as it is not optional to follow Christ. The option of poverty is not only useful for salvation, it is necessary. Poverty is essential to a Christian, as well as the love of God and of neighbour”.¹¹ By emphasizing the duty to be poor, Christian religion gives to the idea of rights violation a secondary importance. The duty to be poor is prior to the duty to help the poor. That is why, as Gilles Couvreur says pertinently, “traditional doctrine does not add that poor people are entitled to a right. The urgency of the duty to help is so that the one who does not help, is a murderer and that the holder of superfluous who does not share is a thief. Formulas are

¹⁰ Quoted by Remedios Mercedes Escalada Helenko and Maria Pitar Fuentes, « La pauvreté, objet de suspicion », in Comment se construit la pauvreté ?, Centre continental (éd.), L’Harmattan, 2000, p. 65. Our translation.
fearsome for the owners; it leaves the poor in an uncomfortable situation. He totally
depends on the uncertain will of the rich”.12 The commentary following is more
interesting: “Rich man must help; poor man has to be helped. The two protagonist of
the drama of poverty are there together: there is no juridical relation between them
that can found a right of the poor. The poor must be helped… But the poor, even in
the extreme necessity, has no right”.13 The only right the poor can be said to have is
the right to the kindness of God and of the rich man, or the right to charity. But the
poor as Bossuet says has mostly to develop the spirituality of patience, if not of
resignation, and to keep in mind the religious significance of his state. It is, as we can
see, very difficult to deduce, from such conception of poverty, the idea of poverty as a
violation of rights.

3. The secularisation of the problem of poverty around the fifteenth and sixteenth
century has not brought the promise of recognition of the rights of the poor. There
have even been regressions compared with what religions had brought in the way of
the obligation for the rich to help the poor, even only to deserve salvation. The
dominate idea will be that poor men are responsible for their situation, and that
society has to protect itself from them. It is advisable to remark that before this
process of secularisation, the ecclesiastic legislation of the primitive Christianity
contained the idea of moderating the charity towards the poor, by obliging everybody
to work and so, to be able to satisfy his needs by himself. In the

Didachè, it is said: “If the person who arrives is a homeless, help him as possible as
you can. However, he will stay with you only for two days, three if necessary, unless
he desires to establish himself among you and make a job, let him work and feed
himself… It must be so that there is no lazy Christian among you.”14

But it is in the political field that criminalization of the poor will appear with more
evidence. In many societies, poverty will be considered as a political “problem”, or
more precisely as a source of social instability and disorder. And the main solution

11 Gilles Couvreur, « Pauvreté et droits des pauvres à la fin du XIIe siècle », in La pauvreté, Recherches et
12 Ibid., p. 29
13 Ibid., p. 30.
14 Quoted by Remedios Mercedes Escalada Helenko and Maria Pitar Fuentes, Op. cit., p. 66. The same
perception of poverty appeared in some forms of Protestant Puritanism, where it is thought that everybody
should have what his work and his efforts can bring to him. The exalting of the work and the condemnation of
the laziness in the Quakers and Mennonites, in the USA and in other countries, generated a perception of poverty
where the responsibility of the poor himself is put forward.
adopted in many places is very close to the one Plato had recommended for his city: throw out the poor, or lock them up in order to protect society from corruption. In Europe, there will be many ordinances asking the poor to leave the city or prescribing their allocation in “general hospitals”. In England in the reign of Henry VIII and Elisabeth, beggars are sentenced to be whipped, and even to be killed at the third subsequent offence. In those societies, if it was admitted that poverty is incompatible with human dignity, the solution invented was not paradoxically to eradicate poverty, but to eradicate poor people themselves. Poor people are not seen as victim of an unjust and corrupted social order, they are themselves the corrupt persons and responsible for social disorder. It is the social order and the dignity of the well off that are victims of their poverty. That is why society has to put them aside.

4. Within the liberal and neo liberal philosophy, poverty is considered as an individual problem, appearing in conditions whose responsibility cannot be imputed on the society. It is the Nobel prizewinner of economics, the Austrian Friedrich Hayek, who gives us a very sharp analysis of that theory. In his book entitled *Law, Legislation and Liberty*, he supports the thesis that social order is a spontaneous order, not an organization. From this spontaneous order, can arise a certain social harmony that rest on poor/rich bipolarity. Poverty is not a matter of justice, because nobody is responsible for it. Justice is an attribute of human conduct, not of a spontaneous order. One cannot talk of poverty in terms of rights or violation of rights because it would suppose the existence of an instance able to guarantee those rights. But such instance does not exist. The government of a society is unable to produce justice and right, because it is unable to understand and to control the complex mechanism of transactions in a society. Any interference within that mechanism results in counterproductive consequences, in terms of violations of liberty and economic disaster. “More for the poor is less for the poor”.¹⁵ In opposite, the *laisser faire* policy is said to be more efficient in terms of productivity, because it promote private initiative, which is the only way of developing wealth for the benefit of all. If despite everything there are poor, it is because the incomes generated make their life possible. Poverty is not therefore a perverse effect of the social mechanism; it is an element of its harmony. Harmony means that, simply, there cannot be rich without poor. And if somebody, for one reason or another, considers this social configuration
as shocking or outrageous, he can just regret the fate but cannot blame any person or any institution.

II. The recognition of the rights of the poor and the vicissitudes of the assistance

There has been an evolution towards recognition of the rights of the poor, particularly in terms of right to assistance and to work. Poor people are no more obliged to beg in order to survive, but society considers the assistance to the poor as an obligation belonging to him. But one can also ask if assistance is a pertinent solution to the problem of the right to non-poverty.

1. During the seventeenth and eighteenth centuries arose a contestation of religious foundation of the assistance to the poor, and also the will to make of the assistance a social debt. Poverty was no more considered as a result of laziness but as the consequence of social, economic and political factors independent of the will of the individual. Vauban even proposes the idea to institute a tax in order to eradicate poverty. He also says: “Poverty will be banished from the kingdom. There will no more be streets of the cities and the main roads full of beggars because every parish will be able to feed its poor, even to occupy them.”\(^\text{16}\) A letter of Fénelon, addressed to Louis XIV, accuses him directly to be responsible for poverty in his country: “Your people, that you were supposed to love as your children, and who had till now shown so much passion for you are dying of hunger. Agriculture is almost abandoned. Countries and towns are becoming depopulated, all the trades are flagging and can no more feed the workers. All business is destroyed.”\(^\text{17}\) In the sense of this letter by Fénelon, one can consider the poverty of the French at the time of Louis XIV as a violation of their rights, notably what I call right to non-poverty.

2. The dominant idea is that assistance should no more be a matter of religious charity and should be taken as state’s obligation. That is why relief centres will be created in many countries of Europe. But many authors will criticize such centres, saying that they are places where people learn to develop laziness and beggary. It is


\(^{16}\) Quoted by Paul Christophe, *Op. cit.*, p. 102

more and more admitted that the best way to help the poor is to enable them to work and to be useful to the society. D’Alembert “Encyclopédie” significantly states, about the article “hôpital”: “Wherever a moderated work can be enough to satisfy the needs of life, and where small savings during young age can prepare for a wise man some resources for his old age, there will be very few poor men”. During the eighteenth century, work was seen as the “solution” to poverty. Many factories and workhouses were created and the poor who were employable were directed to those work places. This policy seems to have been guided by the Chinese proverb according to which it is better to teach somebody how to fish instead of giving him a fish. Confucius, Maïmonide, and Alexis de Tocqueville had learnt us to know that the best way of helping poor is not to give them money, but to help them look for money by themselves. For the society, which does not have a positive regard on people who receive without giving or without working, as well as for poor people themselves whose dignity is humiliated in the practice of assistance, work appears as a salutary duty. “They teach to the poor how to work, they have them work, and that, not for productivity (…), rather only for assistance: it is a true ‘gift of work’ which is put in place”. It is the right to work which is therefore the first right of the poor, or the first means of avoiding poverty, not the right to charity. If it is not admitted that some people deserve charity or relief, if society refuses to recognise a right to assistance for people who are still valid enough to work, society obliges itself to provide work for potential workers. Work is at the same time a duty for the poor in order to avoid being only free riders in society, and an obligation for society which has to make sure all people can live without being obliged to count on charity. By working, poor participate in the life of the community, and community in return has to assist him. “The material survival, says Dominique Schnapper, is a right of unfortunate citizens all democratic societies have the obligation to provide”.

3. It appears that the problem of the poor cannot be solved essentially by assistance, even if assistance is considered as a social obligation. According to Georges Simmel, assistance deprives the poor from their status of subject. The assisted person is an instrument for the realization of interests that are not necessarily interested to the

---

dignity of the poor. The objectives can be only that of maintaining social order, because poor can become dangerous and subversive. Piven and Cloward had come to defend the idea that relief policy is motivated only by the necessity of social regulation: “The key to an understanding of relief-giving is in the functions it serves for the larger economic and political order, for relief is a secondary and supportive institution… We shall argue that expansive relief policies are designed to mute civil disorder, and restrictive ones to reinforce work norms. In other words, relief policies are cyclical – liberal or restrictive depending on the problems of regulation in the larger society with which government must contend”.

Georges Simmel even compares assistance to poor with the “animal protection”. The poor himself is still partially excluded for he cannot really claim himself for assistance, because one of the main characteristics of the world of poor people is silence. Only those who pay taxes, can speak out, or can complain, for example when some animal are said to be threatened. “There is scandal only if witnesses fill uneasy”. The position of a poor person assisted is particularly ambiguous. In the society, the pole where he is situated makes him a quasi foreigner. He is, at the same time, an outsider, as object of assistance from those who fully enjoy their citizenship and an insider because he remains, nevertheless, a citizen. “The poor is undeniably outside the group, inasmuch as he is a simple object of the actions of the community; but being outside is simply, we can briefly say, a particular manner of been inside”. Assistance can therefore become a subtle way of imprisoning the poor in their identity of poor, which means in that ambivalent position of subject-object, outsider-insider, citizen-foreigner, etc. There is an asymmetrical relation between those who are assisted – the poor – and those who give – the rest of society. In the asymmetrical relation, receiving

---

21 Frances Fox Piven and Richard Cloward, Regulating the Poor, Op. cit., p XIII.
23 About the silence of the poor, this is a poem from Rainer Maria Rilke:
   « Les pauvres sont aussi silencieux que les choses, 
et quand au hasard des chemins un foyer les accueille 
ils y prennent place humblement comme des visages familiers 
et se confondent aux ombres vagues du décor, 
et s’effacent dans l’oubli comme des outils abandonnés. »
   (Quoted by Paul Christophe, Les pauvres et la pauvreté, 1ère partie, Paris, Desclée, 1985, p. 5.)
   (The poor are as silent as things, 
   And when they happen to meet people who house them, 
   They take humbly their place as familiar faces 
   And merges in vague shades of the decor, 
   And disappears into oblivion as neglected tools). Our translation.
24 Ruwen Ogien, Op. Cit., p. 44.
III. From the rights of the poor to the right of non-poverty.

For the poor, being insured of assistance of the state can be considered as a positive guarantee. But the state of poverty itself, with a guarantee of assistance or no, can also be seen as a violation of a right to be a non-poor. That is the main point of this section, where I try to look for a base that can support that intuitive idea.

1. Poverty is not a “natural” situation. Poverty seems to be as insoluble as the problem of AIDS (today), if one consider the fact that in spite of the extraordinary expansion of technical capacities of human beings, which make them more and more able to dominate the physical and the biological nature, poverty continue to affect billions of people in the world. When we see the colossal difficulties met by some states in their attempt to cancel poverty, or at least to reduce it, one is tempted to say that it is an impossible task. The development of welfare state was determined by the will of insuring a minimum living wage to all people, particularly for those who where momentarily out of the labour market. But it is now topical to talk of the crisis of the Welfare state. Welfare state was supposed to help in preventing very precarious and dangerous situations as illness, unemployment, accidents, and so on. But with the passing of time, the claims have been multiplied and the domain of the intervention of the state so extended that it had become very difficult to satisfy all the needs that has been generated. Even in the richest societies, the system of welfare state has been unable to eradicate poverty, although it must be recognised that it reduced it very significantly. The evolution of the technologies in the industries has had as consequence the raising of the level of qualification. If there are many young people who are trained in those new technologies, there are many other people who are out of the new system. Even for those young people, it is not so easy to have a job, and many of them spend several years without working. Unemployed persons of adulthood who are not qualified in the new technologies are more threatened to stay very long in their precarious state. The welfare system was based on the confidence that unemployment is a temporary state. Economic crisis and the new requirements
of the system of production have created the unforeseen situation of long-lasting unemployment. The welfare state has seen itself in the impossibility of satisfying all the demands of assistance linked to that situation.26

In Africa since the independence, people have been struggling with underdevelopment and poverty, and it has been very difficult for the states to find an efficient way of promoting development and wealth for the citizens. There have been periods of hope as during the decades 1970/1980 favoured by an international economic context of growth. But these decades have been followed by economic recession, which resulted in a collapse of the prices of the main products as petrol and other agricultural products. It is to “help” in restructuring African economies that structural adjustment programs have been imposed by the financial organisations of Bretton Woods. The main philosophy of that program is inspired from neo liberal thought that has been described above. All the countries submitted to adjustment were supposed to privatise all companies that had become a swallow hole of money. The reinforcement of the economic profitability of those companies needed logically, for the new private owners, radical measures of reduction in the number of staff. Paradoxically, sectors as health and education have not been saved from this disengagement of the state, with the reduction of subsidies without which majority of people could not have access to the basic services. The program of structural adjustment has established, so to say, the impossibility for the state to respond to social demands of its citizens.

The crisis of the welfare state in Europe and the failure of the state in Africa are situations that make difficult to impute to the State the obligation of eradicating poverty. In Kantian philosophy, there is an ethical meta-norm according to which duty must imply power. That is taken from the principle of humanity saying that you cannot ask something from a person who is unable to do it. That means even if in these societies, it is admitted that poverty is to be eradicated, the measures to implement this project sometimes meets difficulties that appears as structural ones. One can think here of Malthusian theory according to which there is a structural disequilibria between population growth and economic growth. There is not a harmony between the geometrical progression of population growth and the arithmetical increase of

means of subsistence. As a result, poverty cannot be rooted out, and on the contrary, is condemned to develop.

But quite often what is considered as impossible task can only be due to the fact that all the means have not been taken to solve the problem. Moreover, what is more insidious, the situation can be said to be a natural and insolvable problem, instead of being presented as a result of a certain organization. For example, Hayek’s theory of poverty is based on a fatalist conception of social order, whose model is taken from cybernetic theory. But that model is incompatible with the capacity, for human being, to be the master of his history and of his social and political life. Hayek’s theory can also be suspected to be an ideological statement, conceived to justify the predominance of capitalist economy. Talking about neo-liberal theory, the editorialist of the book entitled Comment se construit la pauvreté?, states: “Far from being socially neutral, it comes appropriately to legitimatize or even naturalise the application of a project which is not that of the people, but of some groups which are dominant today. These precisions help to recognize World Bank and IMF statements on poverty for what they are really, the ideological screen towards the implementation of the attempt to spread and intensification of the capital accumulation all over the world.”\(^{27}\)

And also, development of occidental societies is there to show that, due to scientific and technical progress, it has been possible to reverse population growth / income growth ratio Malthusians said was irreversible.

2. Everybody is a member of a political community. By political community, I mean a set of people living in the same social, political and economic organisation, created to promote mutual advantage. I can appeal here to the social contract theory of modern philosophers, by which they attempted to explain the origin of the state and of the power within the state. The American philosopher John Rawls has used the same procedure to justify the principles of justice that must assign the basic rights and duties in a society. If one stands in the same frame, one can say that in a political association, all people are related by a social contract that guarantees for everybody a set of rights and immunities. The function of the society emerged from a social contract is not only to prevent war of all against all, as Hobbes says, but to favour the

cooperation that make possible for everybody to benefit from the society, more than he could if he was alone. Cooperation, for anyone, is more advantageous than an autarkic life. As John Rawls says: “Citizens are seen as cooperating to produce the social goods on which their claims are made.”

Such presentation of the society as a frame of cooperation entails the risk of reducing every person to a “fighter” in the work organisation (as Eric Weil says). Rights here would be then determined by the contribution in the cooperation, and there would be a risk of meeting again the situation of exclusion of those whose contribution is not enough. It is here that Rawls’s refusal to take merit as the criterion of rights attribution manifests all his interest: “No one, says Rawls, deserves his greater natural capacity, nor merits a more favourable starting place in society.” That is why everybody has right to all the liberties and the social and economic advantages that come from social cooperation. Justice, according to John Rawls, does not only suppose that repartition of incomes is independent from the natural and social lottery, but also that it is intended to improve underprivileged situation. The second principle (also called “difference principle”) of Rawls’ theory says this: “Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions or fair equality of opportunity; and second, they are to be the greatest benefit of the least advantaged members of society.”

It is possible that social cooperation results in a social bipolarisation, with rich and poor. The question can then be asked if these inequalities are justified. For Rawls, “those who have been favoured by nature, whoever they are, may gain from their good fortune only on terms that improve the situation of those who have lost out. The naturally advantaged are not to gain merely because they are more gifted, but only to cover the costs of training and education and for using their endowments in ways that help the less fortunate as well”. In a system of repartition, inequalities can be said to be just only if an equal configuration could have deteriorated the situation of the underprivileged. The right of the more qualified to have more than others is justified by the necessity to encourage the production which can, in the end, benefit all people. In a well organised society (organised according to Rawls’ principles of justice), even in a

context of scarcity, there is chance to have no poor. “The problem, as Rawls mentions, is often not the lack of natural resources. Many societies with unfavourable conditions do not lack resources. Well-ordered societies can get on with very little… The great social evils in poorer societies are likely to be oppressive government and corrupt elites…”32 The existence of poor people in a society can then be seen as a consequence of unjust repartition of incomes or of inequalities non justified by the “difference principle”. From this unfair repartition, one can say that there has been violation of the right to non-poverty.

In fact the report of the World Bank focuses the attention on the repartition of incomes as an important factor in the level of poverty.33 In general, growth incomes have the tendency to improve the well being of the population and to reduce poverty. But it is possible that, due to an unfair repartition of income, growth income don’t produce reduction of poverty. As the World Bank report says, “for a given growth rate, the extent of poverty reduction depends on the variations in the repartition of the income which goes with the growth and the initial inequalities about incomes, assets and access to the opportunities that make it possible for the poor to benefit from the fruits of the growth”.34 That is what is illustrated by the situation in Uganda where the reduction of inequalities has produced a substantial improvement of well being for the poor, while at the same time, inequalities in Bangladesh deprived the poor from the fruits of growth.35

By the importance of repartition, one can see to what extent public institutions can be said to be responsible for poverty. There are many things institutions can do in order to eradicate poverty, as many studies have shown. According to the World Bank report, the first thing is redistribution for the profit of the poor, notably by insuring social services as education, health and other infrastructures. The second thing is the well functioning of public services. And the third point is the participation of household and communities in decisions concerning their economic situation.36 We meet here the question of good governance, democracy and transparency, because

33 See also the interesting and detailed study of the relation between inequalities, redistribution and poverty by Blandine Destremau and Pierre Salama, Mesures et démesure de la pauvreté, Paris, PUF, 2002 (particularly the first chapter, “Des inégalités... à la pauvreté”).
36 Ibid., p. 92.
many statistics also shows that corruption, administrative slowness, malfunctioning of justice, impunity, are, as well as inequalities, main causes of stagnation and even of degradation of poor situation. It is quite an injustice against the poor if such responsibilities are not pointed out as rights violations. In many poor countries, besides the fact that public institutions are, most of the time, unable to meet the needs of their populations, they are also fearsome structures. They are dramatically absent on the field of public duty to take care of the citizens, and very awkward when there is something to extort from citizen by corruption. “When institutions are unsteady, not only do they fail to provide the services they are suppose to insure, but also reduce citizen to powerlessness, even to silence, by humiliating and excluding them systematically, and by corruption”. 37 One can draw here the conclusion that distribution, justice, inequalities are interesting ways by which poverty can be shown to be violation of human rights.

3. Everybody is also a member of the international community. In the previous paragraph, it has been shown that violation of the right to non-poverty takes place within a society, where the principle of fairness is not implemented. But here, I suggest that man does not belong only to a domestic society, but also to an international community. Therefore, poverty is not only a local matter (which can be solved by a local justice), but also an international one (which has something to do with global justice). I firstly suppose that in spite of relative scarcity observable in some societies, enough resources are always available which can, if well distributed, ensure for everybody a level of life beyond the line of poverty. But here, I have to make a contrary hypothesis, by observing that there are depressed countries where even a perfect application of social justice cannot avoid poverty. The question one can then ask here is whether this poverty can be imputed on the whole international community.

The question of poverty has always been considered as a local problem, in which other societies can be occasionally involved, on behalf of solidarity or cooperation, not as an application of a legal obligation (see Plato, Aristotle, and even John Rawls). The problem here now is to know if there can be a global obligation for the international community to root out poverty in all societies in the world so that the

37 Deepa Narayan, *La parole est aux pauvres*, Op. cit., p. 120.
presence of poverty, wherever it appears, can be considered as a dereliction of duty, and therefore, a violation of right of non-poverty in the world.

The debate can be situated at two levels. At the first level, one can argue that with globalisation, people of the world have been interconnected in a common political, juridical and economic network. There is now a global system of cooperation that justifies an application of an enlarged model of Rawls’ difference principle. This means that if the international community fails to organise a system of global distribution, she can be considered as a violator of the right to non-poverty. Globalisation is not the only way to justify such duty. In fact, globalisation is essentially a matter of economic and financial interconnection of many companies in the world whose activities are guided by liberal ideology. It is rather the idea of solidarity that can serve as foundation of the duty to make poverty become a global problem. A French dictionary defines solidarity as “relations between people aware of their closeness, that results for every element of the group in a moral obligation to avoid going against the others and to assist them”. 38 Relationships between people are more and more extended, and many events are now given an international significance. That is why it is difficult to make as if poverty increase in many poor countries alongside prosperity in some others countries does not pose a moral problem. Some people argue that rich countries can be considered in analogy with rich people in societies, and can be said obliged towards unfortunate countries. There are moral, economical, political arguments suggested to justify such obligation. 39 But this is not yet the background to prove that poverty in the poor countries can be considered as violation (by rich countries?) of their right to non-poverty. Are rich countries responsible for the poverty in poor countries? Is this responsibility situated downstream – what would suppose that rich countries are the ones which, from the beginning, have infringed the process of development in poor countries, 40 or is it to be seen upstream – meaning that rich

40 See for example René Dumont, Un monde intolérable. Le libéralisme en question, Paris, Seuil, 1988, where a section is titled: "Le pillage de l'Afrique", pp. 116 sqq., coming after another one titled « Pétrole à bas prix : pillage du tiers monde » (pp. 60 sqq.). One can also remark that René Dumont has illustrated himself by recurrent denunciations of the responsibility of rich country about poor countries, even if he does not show himself complaisant about African leaders who violate their citizen’s rights. Let us illustrate these denunciations by just one passage: “Phosphate might disappear from the world by two or three centuries. Morocco could have withdrawn from its sale enough means to equip the country; but the high cost of this phosphate, the only way that could have obliged us to be sparing with this resource – as with the petrol – has not last long. The same for
countries are guilty to leave poor countries in their misfortune? It is not possible to have a global answer for all these questions. But one can say that, no matter how rich countries become rich and poor countries become poor, it is contradictory to form a community called “people of united nations” and to be blind about dramatic situations as poverty, famines, starvation, that seriously compromise even the human status of those paupers.

At the second level, the question of the means to realize a global distribution can be reasonably posed. Some people argue that there is not a worldwide government that can organise a global distributive justice, in the same way that government of states do it. This argument is partially true, but at the same time can be overthrown by the fact that there are international organisations which in fact have shown their capacity of cooperation when facing various problem of security, environment, human rights, trade, and so on. Conventions, agreements, resolutions, if adopted or ratified according to the principle of equal participation of all the contracting parties, gives to the international community the legitimacy and the power to act regardless of state’s borders.

There is also an argument saying that the proportion of poverty in the world is so great that nothing can be done to root it out. Things appear as if any attempt of generalising or globalise well-being can only result in a globalisation of poverty. As Richard Rorty explains: “It suffice to recall all these imaginary scenario to make rich regions of the world appear in the situation of somebody who has to share a loaf of bread with a hundred or so of starving persons. Even if he shares, all people, including himself will come out with an empty stomach. and he will have to make a choice between being guilty of blindness or of hypocrisy”.41

But such theories do not pass the test of scientific analysis (notably in the field of economy), whose results are used by many international institutions as UNDP. For instance, UNDP’s report of 1998 shows clearly that it is possible to guarantee for everybody in the world the basic needs and services with only 40 billions dollars during ten years! “This represent, says the report, only 4 % of the cumulated wealth of the 225 richest persons”.

Mauritania, who is obliged to give at very low prices his resources of iron and copper. He has not obtain from it the means to develop itself, the same for Brazil, so indebted that he is obliged to sell very cheaply his fabulous mining resources of Carajas, near the Amazon forest”. (P. 116, our translation.).

The duty to guarantee an effective right to non-poverty for all people in the world is therefore based on the assurance that such an idea is not utopian and does not require astronomical means. The presence of the poor people in the world can logically be seen as a violation of the right to non-poverty.

IV. Conclusion

All that I have been trying to do in this paper is, essentially, to escape from difficulties I had expressed at the beginning. The difficulty to define poverty has been solved by the global consideration that being poor is suffering, physically and psychologically, from deprivation of means to live a life compatible with human dignity. It was a very simple way, and I think also very judicious way to avoid discussing all the aspects of poverty (objective, subjective, and so on). Coming now to the difficulty of considering poverty as human rights violations, I first discussed some philosophical and religious doctrines whose representation of poverty made it impossible to see it as a matter of rights or violation of rights. From there, I analysed the evolution towards a right to assistance that appear, in Europe, from the seventeenth century. But this evolution seemed to me insufficient to talk of rights violation as far as poverty is concerned. It is with the theory of social contract, local justice and global justice that I found it possible to speak of poverty as human rights violations. The emphasis was in the fact that every person, as a member of a community, deserves from his community all what is necessary to avoid being poor. Furthermore, it has been shown that every community is or has become just a small community in a very large “community of communities”, as John Rawls says. And from that, it has become possible to deduce that poverty is a global/international problem, and that there is a global duty to root it out, and to make it possible for everyone, to enjoy his right to non-poverty.
Bibliography


Rawls, John, "'The Law of People"*, *Critical Inquiry*, N° 20, Autumn 1993

Remedios Mercedes Escalada Helenko and Maria Pitar Fuentes, « La pauvreté, objet de suspicion », in *Comment se construit la pauvreté ?*, Centre continental (éds.), L'Harmattan, 2000, pp. 63-80.

