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Property and Hunger (1988)

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In an interesting letter to Anna George, the daughter of Henry George Bernard Shaw wrote: "Your father found me a literary dilettante and militant rationalist in religion, and a barren rascal at that. By turning my mind to economics he made a man of me." I am not able to determine what making a man of Bernard Shaw would exactly consist of, but it is clear that the kind of moral and social problems with which Shaw was deeply concerned could not be sensibly pursued without examining their economic aspects. For example, the claims of property rights, which some would defend and some (including Shaw) would dispute, are not just matters of basic moral belief that could not possibly be influenced one way or the other by any empirical arguments. They call for sensitive moral analysis responsive to empirical realities, including economic ones.

Moral claims based on intrinsically valuable rights are often used in political and social arguments. Rights related to ownership have been invoked for ages. But there are also other types of rights which have been seen as "inherent and inalienable," and the American Declaration of Independence refers to "certain unalienable rights," among which are "life, liberty and the pursuit of happiness." The Indian constitution talks even of "the right to an adequate means of livelihood." The "right not to be hungry" has often been invoked in recent discussions on the obligation to help the famished.

RIGHTS: INSTRUMENTS, CONSTRAINTS, OR GOALS?

Rights can be taken to be morally important in three different ways. First, they can be considered to be valuable *instruments* to achieve other goals. This is the "instrumental view," and is well illustrated by the utilitarian approach to rights. Rights are, in that view, of no intrinsic importance. Violation of rights is not in itself a bad thing, nor fulfillment intrinsically good. But the acceptance of rights promotes, in this view, things that are ultimately important, to wit, utility. Jeremy Bentham rejected "natural rights" as "simple nonsense," and "natural and imprescriptible rights" as "rhetorical nonsense, nonsense upon stilts." But he attached great importance to rights as instruments valuable to the promotion of a good society, and devoted much energy to the attempt to reform appropriately the actual system of rights.

The second view may be called the "constraint view," and it takes the form of seeing rights as *constraints* on what others can or cannot do. In this view rights are

intrinsically important. However, they don't figure in moral accounting as goals to be generally promoted, but only as constraints that others must obey. As Robert Nozick has put it in a powerful exposition of this "constraint view": "Individuals have rights, and there are things no person or group may do to them (without violating their rights)." Rights "set the constraints within which a social choice is to be made, by excluding certain alternatives, fixing others, and so on."

The third approach is to see fulfillments of rights as goals to be pursued. This "goal view" differs from the instrumental view in regarding rights to be intrinsically important, and it differs from the constraint view in seeing the fulfillment of rights as goals to be generally promoted, rather than taking them as demanding only (and exactly) that we refrain from violating the rights of others. In the "constraint view" there is no duty to help anyone with his or her rights (merely not to hinder), and also in the "instrumental view" there is no duty, in fact, to help unless the right fulfillment will also promote some other goal such as utility. The "goal view" integrates the valuation of rights—their fulfillment and violation—in overall moral accounting, and yields a wider sphere of influence of rights in morality.

I have argued elsewhere that the goal view has advantages that the other two approaches do not share, in particular, the ability to accommodate integrated moral accounting including *inter alia* the intrinsic importance of a class of fundamental rights. I shall not repeat that argument here. But there is an interesting question of dual roles of rights in the sense that some rights may be *both* intrinsically important and instrumentally valuable. For example, the right to be free from hunger could—not implausibly—be regarded as being valuable in itself as well as serving as a good instrument to promote other goals such as security, longevity or utility. If so, both the goal view and the instrumental view would have to be simultaneously deployed to get a comprehensive assessment of such a right. This problem of comprehensiveness is a particularly important issue in the context of Henry George's discussion of rights, since he gave many rights significant dual roles.

The instrumental aspects is an inescapable feature of every right, since irrespective of whether a certain right is intrinsically valuable or not, its acceptance will certainly have other consequences as well, and these, too, have to be assessed along with the intrinsic value of rights (if any). A right that is regarded as quite valuable in itself may nevertheless be judged to be morally rejectable if it leads to disastrous consequences. This is a case of the rights playing a *negative* instrumental role. It is, of course, also possible that the instrumental argument will *bolster* the intrinsic claims of a right to be taken seriously. I shall presently argue that such is the case in George's analysis with the right of labor to its produce.

There are two general conclusions to draw, at this stage, from this very preliminary discussion. First, we must distinguish between (1) the intrinsic value of a right, and (2) the overall value of a right taking note *inter alia* of its intrinsic importance (if any). The acceptance of the intrinsic importance of any right is no guarantee that its overall moral valuation must be favorable. Second, no moral assessment of a right can be independent of its likely consequences. The need for empirical assessment of the effects of accepting any right cannot be escaped. Empirical arguments are quite central to moral philosophy.

PROPERTY AND DEPRIVATION

The right to hold, use and bequeath property that one has legitimately acquired is often taken to be inherently valuable. In fact, however, many of its defenses seem to be actually of the instrumental type, e.g., arguing that property rights make people more free to choose one kind of a life rather than another. Even the traditional attempt at founding “natural property rights” on the principles of “natural liberty” (with or without John Locke’s proviso) has some instrumental features. But even if we do accept that property rights may have some intrinsic value, this does not in any way amount to an overall justification of property rights, since property rights may have consequences which themselves will require assessment. Indeed, the causation of hunger as well as its prevention may materially depend on how property rights are structured. If a set of property rights leads, say, to starvation, as it well might, then the moral approval of these rights would certainly be comprised severely. In general, the need for consequential analysis of property rights is inescapable whether or not such rights are seen as having any intrinsic value.

Consider Henry George’s formula of giving “the product to the producer.” This is, of course, an ambiguous rule, since the division of the credits for production to different causal influences (e.g., according to “marginal productivities” in neoclassical theory, or according to human efforts in classical labor theory) is inevitably somewhat arbitrary, and full of problems involving internal tensions. But no matter how the ambiguities are resolved, it is clear that this rule would give no part of the socially produced output to one who is unemployed since he or she is producing nothing. Also, a person whose productive contribution happens to be tiny, according to *whichever* procedure of such accounting we use, can expect to get very little based on this so-called “natural law.” Thus, hunger and starvation are compatible with this system of rights. George thought that this would not occur, since the economic reforms he proposed (including the abolition of land rights) would eliminate unemployment, and provision for the disabled would be made through the sympathetic support of others. These are empirical matters. If these empirical generalizations do not hold, then the outlined system of rights would yield a serious conflict. The property rights to one’s product (however defined) might be of some intrinsic moral importance, but we clearly must also take note of the moral disvalue of human misery (such as suffering due to hunger and nutrition-related diseases.) The latter could ever plausibly be seen as having more moral force than the former. A positive intrinsic value of the right to one’s product can go with an overall negative value, taking everything into account.

I have tried to argue elsewhere—not in the context of disputing these moral theories but in trying to understand the causation of famines in the modern world—that famines are, in fact, best explained in terms of failures of entitlement systems. The entitlements here refer, of course, to legal rights and to practical possibilities, rather than to moral status, but the laws and actual operation of private ownership economies have many features in common with the moral system of entitlements analyzed by Nozick and others.

The entitlement approach to famines need not, of course, be confined to private ownership economies, and entitlement failures of other systems can also be fruitfully

studied to examine famines and hunger. In the specific context of private ownership economies, the entitlements are substantially analyzable in terms, respectively, of what may be called “endowments” and “exchange entitlements.” A person’s endowment refers to what he or she initially owns (including the person’s own labor power), and the exchange entitlement mapping tells us what the person can obtain through exchanging what he or she owns, either by production (exchange with nature), or by trade (exchange with others), or a mixture of the two. A person has to starve if neither the endowments, nor what can be obtained through exchange, yields an adequate amount of food.

If starvation and hunger are seen in terms of failures and entitlements, then it becomes immediately clear that the total availability of food in a country is only one of several variables that are relevant. Many famines occur without any decline in the availability of food. For example, in the Great Bengal famine of 1943, the total food availability in Bengal was not particularly bad (considerably higher than two years earlier when there was no famine), and yet three million people died, in a famine mainly affecting the rural areas, through rather violent shifts in the relative purchasing powers of different groups, hitting the rural laborers the hardest. The Ethiopian famine of 1973 took place in a year of average per capita food availability, but the cultivators and other occupation groups in the province of Wollo had lost their means of subsistence (through loss of crops and a decline of economic activity, related to a local drought) and had no means of commanding food from elsewhere in the country. Indeed, some food moved *out* of Wollo to more prosperous people in other parts of Ethiopia, repeating a pattern of contrary movement of food that was widely observed during the Irish famines of the 1840s (with food moving out of famine-stricken Ireland to prosperous England which had greater power in the battle for entitlements). The Bangladesh famine of 1974 took place in a year of *peak* food availability, but several occupation groups had lost their entitlement to food through loss of employment and other economic changes (including inflationary pressures causing prices to outrun wages). Other examples of famines without significant (or any) decline in food availability can be found, and there is nothing particularly surprising about this fact once it is recognized that the availability of food is only one influence among many on the entitlement of each occupation group. Even when a famine *is* associated with a decline of food availability, the entitlement changes have to be studied to understand the particular nature of the famine, e.g., why one occupation group is hit but not another. The causation of starvation can be sensibly sought in failures of entitlements of the respective groups.

The causal analysis of famines in terms of entitlements also points to possible public policies of prevention. The main economic strategy would have to take the form of increasing the entitlements of the deprived groups, and in general, of guaranteeing minimum entitlements for everyone, paying particular attention to the vulnerable groups. This can, in the long run, be done in many different ways, involving both economic growth (including growth of food output) and distributional adjustments. Some of these policies may, however, require that the property rights and the corresponding entitlements of the more prosperous groups be violated. The problem, in fact, is particularly acute in the short run, since it may not be possible to engineer rapid economic growth instantly. Then the burden of raising entitlements of the groups in distress would largely have to fall on reducing the entitlements of others more favorably

placed. Transfers of income or commodities through various public policies may well be effective in quashing a famine (as the experience of famine relief in different countries has shown), but it may require substantial government intervention in the entitlements of the more prosperous groups.

There is, however, no great moral dilemma in this if property rights are treated as purely *instrumental*. If the goals of relief of hunger and poverty are sufficiently powerful, then it would be just right to violate whatever property rights come in the way, since—in this view—property rights have no intrinsic status. On the other hand, if property rights are taken to be morally inviolable irrespective of their consequences, then it will follow that these policies cannot be morally acceptable even though they might save thousands, or even millions, from dying. The inflexible moral “constraint” of respecting people’s legitimately acquired entitlements would rule out such policies.

In fact this type of problem presents a *reductio ad absurdum* of the moral validity of constraint-based entitlement systems. However, while the conclusions to be derived from that approach might well be “absurd,” the situation postulated is not an imaginary one at all. It is based on studies of actual famines and the role of entitlement failures in the causation of mass starvation. If there is an embarrassment here, it belongs solidly to the consequence-independent way of seeing rights. †

I should add that this dilemma does not arise from regarding property rights to be of intrinsic value, which can be criticized on other grounds, but not this one. Even if property rights *are* of intrinsic value, their violation may be justified on grounds of the favorable consequences of that violation. A right, as was mentioned earlier, may be intrinsically valuable and still be justly violated taking everything into account. The “*absurdum*” does not belong to attaching intrinsic value to property rights, but to regarding these rights as simply acceptable, regardless of their consequences. A moral system that values both property rights and other goals—such as avoiding famines and starvation, or fulfilling people’s right not to be hungry—can, on the one hand, give property rights intrinsic importance, and on the other, recommend the violation of property rights when that leads to better overall consequences (*including* the disvalue of rights violation).

The issue here is not the valuing of property rights, but their alleged inviolability. There is no dilemma here either for the purely instrumental view of property rights or for treating the fulfillment of property rights as one goal among many, but specifically for consequence-independent assertions of property rights and for the corresponding constraint-based approaches to moral entitlement of ownership.

That property and hunger are closely related cannot possibly come as a great surprise. Hunger is primarily associated with not owning enough food and thus property rights over food are immediately and directly involved. Fights over that property right can be a major part of the reality of a poor country, and any system of moral assessment has to take note of that phenomenon. The tendency to see hunger in purely technocratic terms of food output and availability may help to hide the crucial role of entitlements in the genesis of hunger, but a fuller economic analysis cannot overlook that crucial role. Since property rights over food are derived from property rights over other goods and resources (through production and trade), the entire system of rights of acquisition and transfer is implicated in the emergence and survival of hunger and starvation.

THE RIGHT NOT TO BE HUNGRY

Property rights have been championed for a long time. In contrast, the assertion of “the right not to be hungry” is a comparatively recent phenomenon. While this right is much invoked in political debates, there is a good deal of skepticism about treating this as truly a right in any substantial way. It is often asserted that this concept of “right not to be hungry” stands essentially for nothing at all (“simple nonsense,” as Bentham called “natural rights” in general). That piece of sophisticated cynicism reveals not so much a penetrating insight into the practical affairs of the world, but a refusal to investigate what people mean when they assert the existence of rights that, for the bulk of humanity, are not in fact guaranteed by the existing institutional arrangements.

The right not to be hungry is not asserted as a recognition of an institutional right that already exists, as the right to property typically is. The assertion is primarily a moral claim as to what should be valued, and what institutional structure we should aim for, and try to guarantee if feasible. It can also be seen in terms of Ronald Dworkin’s category of “background rights”—rights that provide a justification for political decisions by society in abstract. This interpretation serves as the basis for a reason to change the existing institutional structure and state policy.

It is broadly in this form that the right to “an adequate means of livelihood” is referred to in the Constitution of India: “The state shall, in particular, direct its policy towards securing . . . that the citizens, men and women equally, have the right to an adequate means of livelihood.” This does not, of course, offer to each citizen a guaranteed right to an adequate livelihood, but the state is asked to take steps such that this right could become realizable for all.

In fact, this right has often been invoked in political debates in India. The electoral politics of India does indeed give particular scope for such use of what are seen as background rights. It is, of course, not altogether clear whether the reference to this right in the Indian constitution has in fact materially influenced the political debates. The constitutional statement is often cited, but very likely this issue would have figured in any case in these debates, given the nature of the moral and political concern. But whatever the constitutional contribution, it is interesting to ask whether the implicit acceptance of the value of the right to freedom from hunger makes any difference to actual policy.

It can be argued that the general acceptance of the right of freedom from acute hunger as a major goal has played quite a substantial role in preventing famines in India. The last real famine in India was in 1943, and while food availability per head in India has risen only rather slowly (even now the food availability per head is no higher than in many sub-Saharan countries stricken by recurrent famines), the country has not experienced any famine since independence in 1947. The main cause of that success is a policy of public intervention. Whenever a famine has threatened (e.g., in Bihar in 1967–68, in Maharashtra in 1971–73, in West Bengal in 1978–79), a public policy of intervention and relief has offered minimum entitlements to the potential famine victims, and thus have the threatening famines been averted. It can be argued that the quickness of the response of the respective governments (both state and central) reflects a political necessity, given the Indian electoral system and the importance attached by the public to the prevention of starvation. Political pressures from opposition groups

and the news media have kept the respective governments on their toes, and the right to be free from acute hunger and starvation has been achieved largely because it has been seen as a valuable right. Thus the recognition of the intrinsic moral importance of this right, which has been widely invoked in public discussions, has served as a powerful political instrument as well.

On the other hand, this process has been far from effective in tackling pervasive and persistent undernourishment in India. There has been no famine in post-independence India, but perhaps a third of India's rural population is perennially undernourished. So long as hunger remains non-acute and starvation deaths are avoided (even though morbidity and mortality rates are enhanced by undernourishment), the need for a policy response is neither much discussed by the news media, nor forcefully demanded even by opposition parties. The elimination of famines coexists with the survival of widespread "regular hunger." The right to "adequate means" of *nourishment* does not at all seem to arouse political concern in a way that the right to "adequate means" to *avoid starvation* does.

The contrast can be due to one of several different reasons. It could, of course, simply be that the ability to avoid undernourishment is not socially accepted as very important. This could be so, though what is socially accepted and what is not is also partly a matter of how clearly the questions are posed. It is, in fact, quite possible that the freedom in question would be regarded as a morally important right if the question were posed in a transparent way, but this does not happen because of the nature of Indian electoral politics and that of news coverage. The issue is certainly not "dramatic" in the way in which starvation deaths and threatening famines are. Continued low-key misery may be too familiar a phenomenon to make it worthwhile for political leaders to get some mileage out of it in practical politics. The news media may also find little profit in emphasizing a non-spectacular phenomenon—the quiet survival of disciplined, non-acute hunger.

If this is indeed the case, then the implications for action of the goal of eliminating hunger, or guaranteeing to all the means for achieving this, may be quite complex. The political case for making the quiet hunger less quiet and more troublesome for governments in power is certainly relevant. Aggressive political journalism might prove to have an instrumental value if it were able to go beyond reporting the horrors of visible starvation and to portray the pervasive, non-acute hunger in a more dramatic and telling way. This is obviously not the place to discuss the instrumentalities of practical politics, but the endorsement of the moral right to be free from hunger—both acute and non-acute—would in fact raise pointed questions about the means which might be used to pursue such a goal.

MORAL ASSESSMENT AND SOCIAL RELATIONS

... If there is one thing that emerges sharply from the discussion I have tried to present in this paper, it is the importance of factual analysis for moral assessment, including moral scrutiny of the acceptability and pursuit of specific rights. This is so even when the right in question is acknowledged to have intrinsic moral value, since valuing a right is not the same thing as accepting it. To affirm acceptability independently of consequences can be peculiarly untenable, as was discussed in analyzing entitlements and

hunger. In assessing the claims of property rights, of the right not to be hungry, the examination cannot be confined to issues of basic valuation only, and much of the challenge of assessment lies in the empirical analysis of causes and effects. In the world in which we live—full of hunger as well as wealth—these empirical investigations can be both complex and quite extraordinarily important. The big moral questions are frequently also deeply economic, social, or political.