

Introduction

In 1903, in the pages of his rallying cry against poverty, *People of the Abyss*, Jack London wrote that *'in a civilisation frankly materialistic and based upon property, not soul, it is inevitable that property shall be exalted over soul'*. By examining nine major international human rights instruments, this essay will discuss the absence of the right to live free from poverty and how poverty is only approached in these instruments through its contributing factors. This essay will argue that the language which frames poverty interplays with its absence from these instruments to relieve nation states from the responsibility of eradicating poverty. This essay will propose that poverty should be reframed; not only as a specific right, but also, that *'in a civilisation based upon property, not soul, where it is inevitable that property shall be exalted over soul'*, the phenomenon of poverty should be framed using the language of property.

Poverty and human rights

Poverty is a multifaceted intergenerational social phenomenon often understood as the cumulative experience of a state of low income causing the deprivation of material resources (Council of Europe Commissioner for Human Rights, 2022). However, poverty is more than just the base deprivation of resources such as food, housing and clothing. It is also the further deprivation of capabilities, choices, security and power (United Nations Human Rights Council, 2012). The United Nations (2022) lists social exclusion, disempowerment and structural discrimination as identifiable components of the violence of poverty. At its root, poverty is caused by steadfast systemic inequalities that are built into the foundations of how society organises itself, but its branches form continually shifting global crises (European Anti-Poverty Network, n.d). In 2021, for example, there was a global shift in extreme poverty when health costs toppled over half a billion people into the extreme poverty threshold (United Nations, 2021).

Despite resulting from deliberate organisational inequality (European Anti-Poverty Network, n.d), the language around poverty often incorrectly mythologizes the phenomenon as an incidental accumulation of factors. It is viewed as the unfortunate general consequence of social organisation rather than the orchestrated outcome of economic and political decisions (United Nations Human Rights Council, 2012). Poverty is also framed fatalistically. It is viewed as an unavoidable circumstance, rather than the inbuilt and foreseeable result of organising society in a way that tolerates inequality and exploitation for economic gain (European Anti Poverty Network, n.d).

Poverty has a serious impact on human rights: it was described by the Office of the United Nations High Commissioner for Human Rights (2021) as being comprehensive in its assault on human rights; Human Rights Watch (n.d.), asserts that the simple ability to exercise human rights is fundamentally eroded by poverty; and the Council of Europe Commissioner for Human Rights (2022) states that it undermines the exercise of every human right.

International rights organisations are unambiguous about their belief that poverty should be recognised in conversations surrounding these rights. The Council of Europe (n.d) states that the elimination of poverty is a question of fulfilling human rights obligations. The Office of the United Nations High Commissioner for Human Rights (2021) calls for the narrative around poverty to shift to one of human rights-based entitlement and recommends that rights-based poverty eradication programmes become a top priority for member states.

Poverty and its absence from major international human rights instruments

Despite its implications on human rights, poverty has not found itself a specific home in any of what the United Nations (n.d.) categorises as the nine major international human rights instruments. There are several major instruments which do not mention poverty at all, including: the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the International Convention for the Protection of All Persons from Enforced Disappearance.

There are only two major instruments which mention poverty at all. The Convention on the Elimination of All Forms of Discrimination Against Women mentions poverty once. In its preamble it states that in situations of poverty women have the least access to food, health, education, training and employment. Similarly, the Convention on the Rights of Persons with Disabilities also mentions poverty only once. In its preamble it highlights the fact that the majority of persons with disabilities live in conditions of poverty and states that there is a critical need to address the associated negative impact. Outside of these brief mentions, there is no other mention of poverty as a phenomenon, as a right, or as a responsibility.

Several contributing factors to the phenomenon of poverty are, however, recognised as specific rights in these major instruments: Article 7 of the International Covenant on Economic, Social and Cultural Rights recognises the right to fair wages and the right to a decent living for themselves and their families; Article 11 of the International Covenant on Economic, Social and Cultural Rights recognises the right to an adequate standard of living, including adequate food, clothing and housing; Article 27 the Convention on the Rights of the Child also recognises the right of every child to an adequate standard of living; and Article 28 of the Convention on the Rights of Persons with Disabilities recognises the right of persons with disabilities to an adequate standard of living, including adequate food, clothing and housing as well.

From this, it is clear that these major instruments do not recognise the right to live free from poverty as a distinct right on its own. They barely acknowledge the existence of the phenomenon. At best, these instruments choose to address poverty indirectly, through the contributing factors of fair wages and adequate standards of living.

The language that surrounds the phenomenon of poverty encourages this approach. The myth of poverty incorrectly frames the phenomenon as an incidental accumulation of factors rather than the engineered outcome of political and economic decisions. This narrative suggests that the root cause of poverty is the unintentional deprivation of material resources, instead of deliberate inequality and exploitation (United Nations Human Rights Council, 2012). International human rights instruments follow this narrative by attempting to address poverty through the contributing factors of fair wages and adequate standards of living, instead of addressing poverty as a complex whole, and, instead of addressing poverty as an outcome of social organisation.

Poverty and state responsibility

The cumulative effect, of both the myth of poverty and the subsequent approach of the major human rights instruments, is that, firstly, the full scope of the violent phenomenon is not accounted for, and secondly, that nation states are relieved from their responsibility regarding poverty.

The approach of these major human rights instruments towards poverty is not sufficient to deal with the phenomenon as a whole. Poverty is a multifaceted intergenerational social phenomenon

that is more than just the base deprivation of resources like income, housing, food and clothing. At its most basic, poverty includes the deprivation of capabilities, choices, security and power (The Committee on Economic, Social and Cultural Rights, 2001), and involves the violence of social exclusion, disempowerment and structural discrimination (United Nations, 2022). Addressing poverty through fair wages and living standards alone fails to tackle the full actuality of poverty and instead represents a shallow dip into the deprivations which form only a fraction of the phenomenon.

The approach of these major human rights instruments is also unable to adequately apportion responsibility to nation states. Poverty is caused by systemic inequalities that are built into the foundations of how society organises itself (European Anti-Poverty Network, n.d). States operate the system of inequality and exploitation that creates poverty. However, the approach of these instruments fails to account for this and there is no mention of the placing of responsibility onto these very systems and states. As such, states may uphold their human rights-based obligations with respect to fair wages and living standards, without actually addressing the ways in which they organise poverty into existence.

An immediate rights-based solution to these failures is the recognition of poverty as a stand alone right in major human rights instruments: the right to live free from poverty. This would have several important effects: it would acknowledge the phenomenon as a complex whole; it would place responsibility for the eradication of poverty onto nation states; and it would change the narrative of solving poverty from one of charity to one of human rights-based entitlement. However, states might be hesitant to ratify an instrument that places the responsibility for a supposedly incidental phenomenon onto their shoulders. Thus, a language-based solution to poverty is proposed in tandem with the recognition of the right to live free from poverty. The narrative that surrounds poverty can be altered without the permission of individual states, therefore the language that frames poverty should shift to a narrative that reassigns responsibility to the inequalities of state organised society. This narrative would better reflect the root cause of the phenomenon, and would thus address poverty as a complex whole.

Poverty v property

This essay argues that such a language-based solution should be modelled on the language of property. In his rallying cry against poverty, *People of the Abyss*, Jack London (1903) wrote that *'in a civilisation frankly materialistic and based upon property, not soul, it is inevitable that property shall be exalted over soul,'* continuing with *'to pound one's wife to a jelly and break a few of her ribs is a trivial offence compared with sleeping out under the naked stars because one has not the price of a doss'*. Here, London is making a scathing criticism on the priorities of his society, wherein violence to property is demonised more than violence to a person. Though these observations can be dismissed as a product of life at the tail-end of the Victorian era (English Heritage, n.d.), they encourage reflection about the priorities of social organisation in the world today.

Property is inextricably entwined with social organisation: the doctrine of property ownership is a fundamental requirement of the modern capitalist economic system (Jahan and Mahmud, 2015). As of 2020, capitalism is the economic system adopted by all but four nation states across the globe, (Britannica, 2023). Thus, the majority of states that are the signatories of human rights instruments uphold the capitalist dogma of property and are therefore *'civilizations based upon property'* whose priorities of social organisation reflect this.

This essay argues that the subsequent result of these priorities is that both the legal and social language that frames property is zealous and protective. The legal language that surrounds the unfair deprivation of property includes words such as 'theft' or 'seizure' (Tigar, 1984). These words conjure powerful somewhat emotive imagery. They denote a level of aggression and violence for what could be a non-violent act. The language of poverty is markedly different to this. The deprivation of material resources as it pertains to poverty invokes words such as 'deprivation', 'absence' or 'lack of' (United Nations Human Rights Council, 2012). These words are distinctly more benign.

This distinction in language influences the protection afforded to each issue. The 'theft' that applies to property implies a direct and deliberate harm. It conjures images of a bad actor - the thief - who bears a moral responsibility for the harmful outcome. With this language as the backdrop for property issues, a human rights instrument is more likely to enshrine the right to property as a stand alone right. Such recognition is needed to protect individuals from deliberate bad actors who orchestrate a morally unjust outcome. The result is that property rights are recognised by human rights instruments, most famously in Article 17 of the 1948 Universal Declaration of Human Rights, but also within several of the nine major human rights instruments that have been the focus of this essay. For example, Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination declares the right to own property alone as well as in association with others.

The 'deprivation' of material resources that applies to poverty implies a more general incidental harm. It conjures images of general blame which is caused by a vague tide of impersonal factors that may or may not bear any moral responsibility towards the subsequent outcome. With this language as the backdrop for poverty-related issues, human rights instruments cannot be expected to address the phenomenon of poverty through anything other than the vague tide of impersonal factors that may contribute to it. There is no bad actor and no single morally indefensible act to guard against, thus the impetus to protect individuals is diluted. The result is that poverty, as previously examined, is not afforded the protection of the major human rights instruments.

This essay argues that, in a '*civilisation frankly materialistic and based upon property, not soul*', and in nation states which have exalted '*property... over soul*', the zealous language of property should be commandeered for the phenomenon of poverty. Through this, poverty becomes the organised structural theft of material resources. It becomes the violent seizure of choice, security and power from its vulnerable victims, and becomes the forced exclusion, disempowerment and discrimination of those it is perpetrated against. Responsibility for the eradication of poverty will not shift from the locus of charity to one of human rights-based entitlement until the narrative around poverty is changed. This essay argues for a deliberate and mindful shift in language describing poverty: poverty should be reframed using the language which frames property. Though it might well be '*inevitable that property shall be exalted over soul*', it is not inevitable that the language used to frame property remains exclusive to it.

Conclusion

Poverty is a violent multigenerational phenomenon created by steadfast systemic inequalities that are built into the foundations of how society organises itself. It has a serious impact on human rights and undermines the exercise of every single right. Despite this, poverty has not found itself a specific home in any of what the United Nations (n.d.) categorises as the nine major international human rights instruments. Seven do not mention the phenomenon and only two instruments mention it briefly. The major instruments do not recognise the right to live free from poverty as a

distinct right on its own but choose to address it through rights pertaining to fair wages and adequate standards of living. The language which frames poverty contributes to its conspicuous absence from these major human rights instruments. The cumulative effect of this is that the full scope of the violent phenomenon is not accounted for and that nation states are relieved from their responsibility for creating poverty. Poverty should be reframed; not only as a specific right, but also using the zealous and protective language which frames the issue of property.

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