

Human Rights, Social Choice and a Right to Development: Revisiting Sen¹

Human rights, as Charles Beitz (2001) argues, “play the role of a moral touchstone as a standard of assessment and criticism for domestic institutions, a standard of aspiration for their reform, and increasingly a standard of evaluation for the policies and practices of international economic and political institutions”¹.

Amartya Sen’s contribution to the subject of human rights and its application in development studies within larger economic reasoning has been remarkable; especially considering the fact how few mainstream economists have invoked a wider discussion on the subject of human rights and its link with the pursuit of development². In the conceptualization of human rights, (Sen 2004)³ recognizes them as ethical demands that inspire legislation (to recognize them as legal rights) but that will be, “a further fact, rather than a constitutive characteristic of human rights”.

While Sen himself does not specifically argue for a Right to Development, in his Nobel Symposium volume, he does define such Right to draw a close connect between the relationship shared by human rights in the process of overall development of a being. A right to development, in Sen’s developmental framework is seen as a “conglomeration of a collection of claims, varying from basic education, health care, and nutrition to political liberties, religious freedoms and civil rights for all” (Sen, 2006)⁴. Such a Right somehow works as a “vector of all the different human rights” in some kind of a pareto optimal space where as “the value of such a Right improves, if at least one right improves and no right deteriorates” (Sengupta 2009)⁵.

A discourse on human rights, is built on including such rights as part of a broader, universal framework (accommodating for moral, ethical claims) that go beyond any constitutionally derived claims and rights or any given set of legitimate laws that are defined by the sovereign of a country. For example, the right not to be tortured is accepted as a universal moral, ethical claim as part of

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² I use the definition of development here from the Preamble to the United Nations Declaration on the Right to Development (1986) which defines it as, “a regular improvement of ‘well-being’ for all people in the society” where the “well-being” accounts for “the level of the population’s enjoyment of the different rights and fundamental freedoms.”

³ Ibid 2

⁴ Cross quoted from Sengupta (2009)

⁵ Elements of a Theory of The Right to Development by Arjun Sengupta (200

human rights that remains independent of any constitutional recognition needed by a given country (Sen, 1999).

Human Rights, therefore, is one of the key concepts in addition to other conceptual frameworks on accounting for individual capabilitiesⁱⁱ, functionings, entitlements that Sen (1999, 2009) discusses in his broader conceptualization of economic development as an end goal in itself; an end goal, realized through the expansion of both human capabilities and freedomsⁱⁱⁱ. In recent decades, invoking a discussion on safeguarding human rights⁶ has become a major way of challenging the level of inequities and oppression within and across countries today that are circumscribing the possibilities of realizing any form of developmental growth.

For the purpose of this essay, I am interested in studying the basic formulation of rights, particularly human rights; and exploring its analytical affiliation with the discipline of social choice. A connection that Sen (1999, 2009) draws upon in detail, while arguing for a more inclusive, analytical process in the formulation, recognition of human rights.

The social choice approach, as discussed in the essay, has something substantial to offer within the moral, ethical considerations involved in human right(s) formulation by offering a more systematic, non-arbitrary, analytical reasoning basis to the subject. Without getting into the mathematical details of the axioms involved in the theoretical construction of social choice, I draw a general linkage between the formal reasoning behind social choice theory (i.e. involving a diverse set of individual values and preferences in its social welfare function) and its operational connection with human rights. The essay thus, makes an attempt to revisit the contribution made in the field of human rights by Amartya Sen through the application of his Capability Approach^{iv} (extracted from the axiomatic, formal reasoning provided in his work on extending Social Choice Theory into welfare economics) and into a wider discourse on human right formulation.

The structuring of the essay is in three parts where: *first*, provides a brief description of what one means by a *human rights based approach to development (HRBA)* or a *Right to Development*⁷; *second part*, introduces Social Choice Theory as an approach and the *third part*, revisits some of Sen's own propositions on the application of Social Choice Theory into a human rights based approach to development (HRBA). The essay required an intensive literature review of not only

6 Based on the Universal Declaration of Human Rights (1948)

7 *Human Rights and Human Development* by Sakiko Fukuda in Arguments for a Better World- Volume II (2009)

Amartya Sen's own work but also of the cross-references that Sen draws upon (i.e. works from scholars like J. Buchanan, Feinberg, Dworkin, Scanlon et al.).

Part I

A Human Rights Based Development Approach: A Right to Development?

A positive relationship between the fulfilment of a given set of rights and freedoms with the level of economic growth can ideally exist, if that level of growth is “(a) specially designed to ensure that inequality does not increase; and is (b) participatory and accountable” (Sengupta 2009). A right based process to economic growth allows consistency in the pursuit of developmental growth for most states and a Right to Development can act as a useful catalyst in promoting such growth.

Article I, Paragraph I of the Declaration on the Right to Development^v states, “the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized”- (Sengupta, 2009)⁸. The Right principally is recognized as a human right that integrates various processes linked with economic, political, social, cultural development; attaching special importance to fundamental freedoms that may help an individual being to realize an optimal state of “well-being” as part of her/his development.

“Well-being”, here can functionally be expressed in following terms:

$W_i = (R_1, R_2, \dots, R_n; F_1, F_2, \dots, F_k)^{vi}$ where W_i represents Well-being of any “i” number of individuals, “R” represents rights and “F” represents Freedoms.

Similarly, Development, in a functional expression can be: $D = (dR_1, dR_2, dR_3 \dots dR_n; dF_1, dF_2, \dots dF_k)^9$.

⁸ *Elements of a Theory of The Right to Development* by Arjun Sengupta in Arguments for a Better World- Volume I (2009) pp. 93

⁹ In Sengupta (2009):

$D = (dR_i, dF_j), i=1,2,\dots,n, j=1,2,\dots,k$ and $t=1,2,\dots,T$ where dR_i would be seen as an average, or an agreed pace of improvement of R_i over a given period T .

The functional expression of Development^{vii} hints at a complex exercise of constructing quantifiable metrics for “R” and “F” in order to reflect the weight and the level of enjoyment of these rights and freedoms by a given population. The preferential ranking order of “R”s and “F”s therefore need a more formal, axiomatic (assumption based) methodological framework. This is where the incorporation of the use of social choice theory becomes helpful (discussed in the later parts).

In terms of the different set of “perfect and imperfect obligations”^{viii} that emerge as part of any right based process of development, such obligations are more than just the obligations of realizing the individual component rights (reference drawn to the discussion on role of freedom and interests in the formulation of rights later).

If a society recognizes RTD (Right To Development), which is a right to a process of development consistent with the human rights standards; the corresponding obligations include those involved in coordinating them into a development program, for a “clear value addition to that process”^{ix} (Sengupta, 2009). This “value addition” involves coordination between different stakeholders of the state and agencies that recognize the interdependence of various rights and also the constraints within institutional resources and achieve higher level of outcomes (Basu 2005).

Sen (2004, 2005), in linking human rights^x interdependently with the pursuit of economic development, provides the notion of a “meta-right”; where a development policy, qualifies as a meta-right to the Right to Development. The formulation of a development policy^{xi} attaches significant importance on the role of agency or institutional instruments of the state to feasibly enforce a right (in this case A Right to Development).

As illustrated in Feiberg’s (1970) words, “the characteristic use of rights is to be claimed, demanded, affirmed and insisted upon” and that “having rights, of course.. makes claiming possible, but it is claiming that gives rights their special moral significance...” so, “while ‘claiming to’ may be guided by moral considerations, ‘claiming against’ calls for identification of the duty bearers and a mechanism for enforcement..” which emphasizes on the need for agency to be involved in the realization and enforcement of such rights (Sengupta, 2009). If a development policy is recognized as a meta-right to a Right to Development, “all agents in society would have

either ‘perfect’ or ‘imperfect’ obligations converted into direct and indirect duties, and would be obliged to perform them”- (Sengupta, 2009)¹⁰

What becomes important to study then is a methodological process that can help in formulating such rights, accommodating for universally realized moral, ethical considerations (as in human rights) through formal reasoning methods. The next part of the essay introduces the approach of Social Choice Theory and further explores its application in the subject of human rights through an agency based approach.

Part II

Social Choice Theory: As an approach

In a Nobel lecture delivered on December 8th, 1998, Amartya Sen spoke on “*The Possibility of Social Choice*”¹¹ in terms of its content, relevance and reach. Eighteen years down the line, while most modern economists discount the practical significance of Social Choice Theory¹² in the governing dynamics of policy formulation within a democratic, pluralistic society; it would be worthwhile to revisit some basic foundations of Social Choice Theory. The exercise, I believe will help us in broadening the framework of discussion attached with human rights.

Foundations of Social Choice Theory

Almost two and a half centuries ago, at the time of the French Revolution (late 18th century), two French Mathematicians, J.C. Borda (1781) and Marquis de Condorcet (1785); who were also amongst the intellectual leaders of the French Revolution, made a systematic attempt to formally

¹⁰ In Arguments for a Better World (2009), pp. 97

¹¹ Refer to “The Possibility of Social Choice” by Sen (1998) published in The American Economic Review, Vol 89, No. 3

¹² Under the strong influence of more individual centric Rational Choice Theory (RCT) that borrows more from the utilitarian calculus provided foundationally by Jeremy Bentham’s conceptualization of *Utilitarianism*

study the challenges that lie within social decision making (involved both at a political and policy level) and in trying to accommodate divergent interests and preferences of people in a given society.

The attempt ultimately led to the original formalization of Social Choice Theory as a new currency of scholarship within political science and later in welfare economics. Condorcet and Bordo's own mathematical investigations, less elegantly, lead to some rather pessimistic results where they noted that majority rule (which democratic voting process is dependent upon), can be "thoroughly inconsistent" (famously known as Condorcet's paradox).

To explain the paradox^{xii}, in simple terms, take the case of a drinking preference: if you prefer wine to whiskey, but whiskey to beer and beer to wine, one may conclude that you have intransitive preferences (i.e. preferring A to B and B to C does not mean that you prefer A to C). While this may not be a problem in making preferential choices on what to drink; the intransitive, paradoxical nature of preferential behavior may be more of an issue with political decision making and policy making exercise.

Coming back to the empirics of Social Choice Theory, it was only around 1951 when economist Kenneth Arrow brought the field of Social Choice Theory in the wider public scrutiny among political scientists, economists by doing a closer study of Condorcet's own results. However, Arrow (1950, 1951, 1952) deepened the preexisting gloom by establishing "an astonishing, pessimistic result of ubiquitous reach" through his "Impossibility Theorem"¹³ (formally defined as the "General Possibility Theorem").

Arrow's formalization of a 'social welfare function' in the 1950s went on to establish a set of axiomatic conditions^{xiii} including a) *Pareto efficiency* (which asserts that "an alternative situation would be better if the change would increase the utility of everyone or at least did not diminish the utility of anyone"); b) *non-dictatorship*; c) *independence* ("demanding that social choice over any set of alternatives must depends on preferences only over those alternatives") and d) *unrestricted domain* ("requiring that social preference must be a complete ordering, with full transitivity and this must work for every conceivable set of individual preferences")¹⁴.

¹³ K. Arrow (1950, 1951, 1952, 1963); P. Pattanaik (1971, 1973, 1978)

¹⁴ Ibid 1

Sen's contribution to social choice theory

Social choice theory has been seen at some disadvantage by many of its commentators because of the formal, mathematical nature adopted by it. This causes a degree of farther remoteness between social choice theory in terms of its practical applications with other widely studied philosophical analysis of social justice.

Sen (2007) acknowledges how the practical importance of mainstream philosophies in social justice (extended under the influence of leading philosophers like Thomas Hobbes, Immanuel Kant or John Rawls) are based on a more simplified, informal reasoning but makes a stronger case for the use and application of social choice theory, from which a theory of social justice can be significantly draw upon. A deeper study on the application of social choice theory by Sen (1999, 2009) and Basu (1995)¹⁵ himself brings out how it can help in formally structuring a rational basis of social judgments and public decisions while choosing from and between different social alternatives.

As Sen (2009) points out, “the outcomes of the social choice procedure take the form of ranking different states of affairs from a ‘social point of view’, in light of the assessments of the people involved”. There is no discourse needed for some grand theory of social justice which is more transcendently imaginative to work in some form of a “perfect world”.

The pragmatic methods of social choice^{xiv} accommodates a diverse set of values, belief system and preferences than enable institutional arrangements or different agencies to design, implement better policies for a given set of people^{xv}. More importantly, such an approach helps significantly in framing policies that seek to optimally maximize the overall well-being of a targeted group for which the social policy is designed.

Part III

Human Rights and Social Choice

In the theoretical construction of a social welfare function, Arrow articulates the possibility of a more robust, formal relationship between individual values (representing diverse set of preferences) in a composite social function that allows for consistency in decision making; while

¹⁵ *Choice, Welfare and Development: A Festschrift for Amartya Sen* by Basu, Pattanaik and Suzumura (1995)

using democratic instruments of public reasoning, impartial scrutiny, open discussion and communication as practice.

Arrow's work, further extended by Sen, emphasizes a lot on the role of reasoning within any formulation of social choice (something that Adam Smith too focused upon in his *Theory of Moral Sentiments*). Thus, the connection between individual values, public reasoning and open discussion as practice lie central to the art of social choice^{xvi}, having an important basis for connection with any discourse on rights, particularly human rights which need a wider framework for accommodating public reasoning, impartial scrutiny etc. at a universal level.

Further, common values are ideally realized or even legally validated (in context of legal rights) through a socially inclusive process of deliberation^{xvii}. And even though the common values to be considered in the narrowly defined analytical framework of social choice theory, applies more to the members of a given society or polity, there is no bar that regulates the application of such framework to be extended over to members from different societies or polities that is relevant in case of a "universally" managed discussion on human rights.

Any analysis on rights, particularly human rights, demands a more objective view that is shaped by a process of "impartial scrutiny"^{xviii}, taking note of different points of view (including those that are traditionally motivated) and ultimately reflecting the incorporation of such views in the process of final realization of rights.

Freedom and Interests in Human Rights discourse

While rivers of ink has been spilled over in discussing the meta-ethics and moral implications for a wider discourse of human rights, let me here briefly touch upon the basis for the formulation of a given right by discussing the role of freedom and interests as part of the "obligations" that come in the process of formulating any universally recognized human right(s).

Borrowing from Sen's own framework of using some "threshold condition" of freedoms that are attached with the recognition of a right, one can normatively bring out a case for the application of Social choice conditions in the broader conceptualization of human rights. Moreover, the contesting claims of freedoms and interests as the basis of human rights (which scholars like Joseph Raz, Charles Beitz discuss in their works) need adequate attention in any human right(s) discourse.

For a **freedom** to be incorporated as part of a given right, as Sen (2009) argues, it must pass some ‘threshold conditions’ that attach enough importance on the freedom itself to influence its realization in a gamut of human rights. The normative construction of social choice theory, allows one to utilize and incorporate the relative importance of individual preferences (in this case, freedoms) in a broader social context and the freedoms (or preferences) ranked and attached with greater weight tend to influence the final outcome of the social function.

To illustrate the relative weighing of freedoms in a given case, let’s take an example of the following three freedoms that a woman (hypothetically called Rai) may have:

- A. Rai’s freedom to not be assaulted
- B. Rai’s freedom to get access to basic primary education
- C. Rai’s freedom to go out in the evening to meet people without any restrictions imposed upon.

While all three freedoms remain important in their own light, for a broader discussion on which freedom can be given relatively more weight (in terms of importance- by a threshold); it would be plausible to perhaps consider Freedom A as “good subject matter for a human right”, similarly Freedom B too. However, Freedom C, in a wider discourse may or may not qualify to cross the social relevance to qualify as a human right. It is also possible that Freedom C is interconnected with the safeguarding of Freedom A in this case (the fear of being assaulted may restrict Rai’s freedom to go out in the evening to meet people).

The metric of assessing any “threshold condition” can be based largely on the substantial importance given by agencies or institutional instruments representing members of any given societies towards the realization of a freedom (either A, B or even C) in the incorporation of a human right.

While open discussion, public reasoning, impartial scrutiny is critical for any discussion on freedom in a consequential manner, such an exercise cannot remain agency neutral or excluded. The role of agency (through a given set of democratic institutions) here remains significant in ultimately determining “the threshold level” that allow for a freedom to be realized as a higher order preference in the constitution of right(s).

At the same time, the recognition of a right, particularly human right(s) must seek to go beyond the relative importance given it to by some closed, endogenous set of institutions or agencies. There is a need for weighing of freedoms to happen in transcendence i.e. across borders in a wider manner where the process of doing so, requires extensive public deliberation and critical scrutiny.

The role of participatory debates from different sections of societies is critical in shaping the threshold level for a particular freedoms to be incrementally incorporated in a discussion on rights^{xix}. Thus, the idea of “weighing” different kinds of freedoms requires a ranking of rights, which can further determine (through extensive public discussion, reasoning) which right can prevail in cases of conflict (Scanlon 2009).

As Sen (2009) points out, the analytical importance attached in weighing “the seriousness and social relevance of particular freedoms, has a significant place in the assessment of human right”. While the possibility of disagreement may always exist in the proclamation about human rights, critical scrutiny of existing freedoms and interests (discussed below) is needed by a process of “impartial scrutiny”^{xx}. But are freedoms and interests-involved competing claims as a basis for a human rights based framework?

Joseph Raz, in his book *The Morality of Freedom*¹⁶ argues that “Rights ground requirements for action in the *interest* of other beings”. A focus on identifying certain *interests* as a foundational basis for rights and human rights in particular is definitely important^{xxi} but may result in a “conflict of rights”. T.M. Scanlon (2009) in his essay, *Rights and Interests* further explains what one can mean by a “conflict of rights”.

Scanlon (2009) through an example illustrates that, “the right to freedom of expression can sometimes be said to be in conflict with the right to a fair trial, or with the right to one’s reputation and balancing of these rights is said to be called for.” The conflict between a right and some interest implicitly involved in it are important but in the claim of a right, some limitations on certain institutional interests are considered *necessary* for protection in figuring a *feasible* alternative (Scanlon, 2009).

This claim of finding a *feasible* alternative weighs upon the cost these limitations impose on our interests and may be acceptable given the importance of the interests being protected (Scanlon,

¹⁶ Cross quoted from Sen (2009) pp. 376

2009). In other words, the right of freedom of expression in the actual realization of its normative claim may not be as broad as we think of it to be. However, there is a need for an agency to not overtly emphasize on the interest aspect of the right but rather focus more on the underlying freedoms attached with it.

In another hypothetical example, a person from Nepal who wishes to come down to New Delhi to join a peaceful demonstration against a policy that the Indian government has decided upon (say, the recent demonetization reform which seeks to affect the circulation of Indian currency in denominations of Rs. 500, Rs. 1000 In Nepal too is somehow excluded from being allowed to participate in the demonstration.

If such a restriction is imposed on the person from Nepal, it would violate his freedom (to peacefully demonstrate) and may correspondingly violate his rights too. Here we see a direct connection between the person's freedom and its inclusion in his right to peacefully protest. Scanlon (2009) argues that rights may be "defined or redefined in the light of the balance of interests and of empirical facts about how these interests can be protected".

However, if we exclusively focused on the *interest* factor, for a Nepali person to participate in the demonstration, we would be required to examine whether it is in the *interest* of the person himself to join such a demonstration against the demonetization reform. In the process of making such an assessment, even if the political priority of the Nepali person from his participation may be clearer, it may become evident that the person's own 'interest' may not be clear.

Therefore, in making such an assessment, we may end up limiting the weight of importance attached with the person's freedom to participate in the demonstration (whether it is in his interest or not). As Sen (2005) in this reference argues, if "freedoms are accepted as important because they give the person involved the liberty to choose and lead his life in terms of his own priorities, then an interest-based perspective on human rights must, ultimately, be inadequate".

Social choice theory through its formal reasoning methods allows certain "threshold levels" to be established under an axiomatic relationship working under different set of variables (as in the case of incorporating diverse set of freedoms and rights in let's say a Right to Development). A claim that a certain freedom is important enough to be seen as a human right is also a claim that "reasoned scrutiny" would sustain that judgment (Sen, 2009).

The formal process of any such “reasoned scrutiny” presents an important role of different agencies or institutional instruments to be involved in viably enforcing or formulation any set of rights, particularly human rights. In case of a discourse on human rights, it is not enough for ethical claims on such rights to pass the “threshold test” (for freedoms) within a closed, national setting only but rather pass a similar test of realization at a universal level.

Concluding thoughts

It will be difficult to summarize the broader range of reviewed comments presented in this essay. The foundations of social choice theory in its broader application within the subject of human rights raises important questions for the role of public reasoning, open discussion, impartial scrutiny and the institutional instruments of the agency in identifying threshold conditions for freedoms embedded in the formulation, guarantee of human rights. Any discourse on human rights, is built on including such rights as part of a broader, universal framework (accommodating for moral, ethical claims) that go beyond any constitutionally derived claims and rights or any given set of legitimate laws that need adequate attention from the sovereign of a country. A Right to Development (incorporating various facets of economic, political, social developmental processes) need recognition by states and institutional instruments of the state need to enforce policies, legislations in safeguarding the claims involved in such a right. It would also be pertinent for scholars working in the area of human right(s) and development studies to further expand the relationship between social choice and human rights; including the further deconstruction needed within a different set of economic, political, cultural rights that are constitutive in the broader human right framework through a social choice perspective.

Notes and References

ⁱ Taken from ‘*Human Rights as a Common Concern*’ by Charles Beitz in *American Political Science Review*, 95 pp269. (cross quoted from *The Idea of Justice*, page 376)

ⁱⁱ As explained in the *Stanford Dictionary of Philosophy* (2016), “Functionings are ‘beings and doings’, that is, various states of human beings and activities that a person can undertake.” While Capabilities, “are a person’s real freedoms or opportunities to achieve functionings. Thus, while traveling is a functioning, the real opportunity to travel is the corresponding capability.”

Available from: <http://plato.stanford.edu/entries/capability-approach/>

ⁱⁱⁱ Reference drawn here to the arguments presented in *Development as Freedom* by Amartya Sen (1999).

^{iv} As explained in the *Stanford Dictionary of Philosophy* (2016), “The capability approach is a theoretical framework that entails two normative claims, first, the claim that the freedom to achieve well-being is of primary moral importance, and second, that freedom to achieve well-being is to be understood in terms of peoples’ capabilities, that is, their real opportunities to do so and be what they have reason to value.”

Available from: <http://plato.stanford.edu/entries/capability-approach/>

^v “Right to Development (RTD) has not been incorporated in any international treaty and cannot be recognized as a full-fledged right”, however, as Sengupta (2009) argues in his essay, efforts have been made by various intergovernmental organizations to recognize RTD as a full-fledged right through a treaty or custom.

^{vi} Constructed from the essay on *Elements of a Theory of Right to Development* by Arjun Senpugta (2009)

^{vii} Development here is thus, seen as a process of expansion of different freedoms including those embedded in the rights that are attached with this process. This is Sen’s foundational basis for a right to development.

^{viii} As Sengupta (2009) puts across in his essay on *Elements of a Theory of the Right to Development*, “The human rights community perceives rights as a legal and enforceable entitlement because for them realizing human rights is a political project, established with the adoption of the United Nations Charter in 1945.... The Universal Declaration of Human Rights (UN 1948) was not a treaty in itself but was essentially a set of proposed standards and norms of behavior which all ‘nations’ were expected to respect and observe... as ‘binding obligations’, they were incorporated into international law, setting up appropriate enforcement mechanisms through the two Conventions.”

^{ix} This development process in Sengupta’s essay includes “ $P_d = (P_1, P_2, P_3, \dots, P_n)$ ” where “P” are policies for implementing rights and P_d is a combination of all “ P_i ” that maximize the likelihood of realizing all these rights.

^{xi} Sengupta (2009) expresses a development policy in this context as, “ $D_r = (dR_1, dR_2, \dots, dR_k; G)$ where ‘ R_j ’ are the basic rights and ‘G’ is the right based process of economic growth”.

^{xii} For example, in case of the recent US Presidential election, as per [the recent analysis](#) (combining most [pre/post-election polls](#)), people believe that Bernie Sanders stood a much better chance to win against Donald Trump as against Hillary Clinton. In applying the paradox, while one may prefer Donald Trump as President to Hillary Clinton, and Hillary Clinton to Bernie Sanders, but could ultimately prefer Bernie Sanders to Donald Trump. This simply brings out the inconsistency that majority voting (between two contesting candidates) may bring out.

^{xiii} Sen (1998) argues that in addressing the distributional issues within welfare economics “...the already limited informational base of Benthamite calculus was made to shrink even further to that of Borda and Condorcet, since the use of different persons’ utility rankings without any interpersonal comparison is analytically quite similar to the use of voting information in making social choice...”

^{xiv} For more details on the formal working of Social Choice Theory, one can refer to *The Handbook of Rational and Social Choice* edited by Paul Anand, Prasanta Pattanaik and *Handbook of Social Choice and Welfare* edited by Kenneth Arrow, Amartya Sen and Kotaro Suzumura.

^{xv} Sen’s argument in *The Idea of Justice* draws out a sharp distinction between the Rawlsian *transcendental* approach to social justice and a more comparative view to social justice that can be drawn from the application of social choice theory.

^{xvi} A leading public choice theorist whose work on public choice (linking the use of economic tools to deal with traditional problems of political science) can be referred in this context is that of Knut Wicksell (1896) and in more recent times of James Buchanan (1990), *The Domain of Constitutional Economics*

^{xvii} Adam Smith's reference here to the "impartial spectator" and her/his role in making room for a wider public discussion, goes beyond any narrowly realized biases or prejudices that may be socially constructed with the parochial thinking of a given group (what Sen refers to as a "closed partiality").

^{xviii} Drawn from a more neo-Rawlsian view on distributive social justice (from John Rawls' *A Theory of Justice* published in 1971).

^{xix} This discussion however needs to similarly involve the role of both "perfect and imperfect obligations" attached with any discourse on rights. Sen offers a special space to both these set of obligations or duties in his discussion on human rights that need to remain both agency centric and agency-independent as part of the enforcement, safeguarding of rights.

^{xx} In the chapter of "*Impartiality and Objectivity*", Sen (2009) in *The Idea of Justice* extensively discusses the difference between closed and open impartiality and the need for impartially examining existing theories of justice.

^{xxi} Refer to Thomas Scanlon's "Rights and Interests" published as a chapter in Basu & Kanbur's *Arguments for a Better World* (2009) that discusses the relative importance of interests (of different nature) in a deliberative construction of rights, including human rights.

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