

**Branco, Manuel Couret (2009), Economics Against Human Rights: The Conflicting Languages of Economics and Human Rights, *Capitalism Nature Socialism*, 20(1), pp. 88-102.**

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## **Introduction**

In the text "Economics Against Human Rights: The Conflicting Languages of Economics and Human Rights", Branco (2009) brings an approach that aims to identify the points of divergence and tangency between the languages of Economics and Human Rights. The article starts from a reading of the classical economic theory to elucidate how economic theories reject or do not prioritize human rights, demonstrating the conflicting languages of Economics and Human Rights, that are: the antagonism between wants and rights; the antagonism between utility and rights; and the antagonism between economic problems and rights violations.

The author begins by drawing the connection between human rights and economic progress, reinforcing how they are connected and how overcoming scarcity can be the basis for the development of human rights. The human rights protection requires economic means, but in contrast, economic decisions presuppose freedom, however there is an economic dimension to human rights and different conflicts between economic practices and human rights. In this sense, Branco (2009) questions how these conflicts should be understood and how it is possible to integrate human rights into the economic mainstream.

To answer these questions, Branco (2009) presents an overview of the theories and schools of economic thought, bringing a "type of economy" that he considers narrow, that is the mainstream of economics, the traditional economic school that dominates real economy and politics. The mainstream economics is characterized by its methodology, rationality and particular analytical weaponry, being considered individualistic, utilitarian and concerned with mathematical formalization. In this way, it is guided by individual interests that make social welfare a summary of each individual's welfare, concerned with the market, and with the balance between supply and demand.

Quoting authors such as Noam Chomsky and Edward Herman (1979), Tony Evans (2005), Janet Dine and Andrew Fagan (2006), Branco (2009) also connects human rights and

globalization, demonstrating how the interests associated with globalization and part of the human rights discourse have an important role in legitimizing these interests and how the rules of the global economy make it difficult to assert human rights.

Although these authors analyzed the economy and pointed out its implications for human rights, Branco's analytical focus brings the mainstream economic thought, "rather than the hidden interests in the economy as a factor in the erosion of human rights, especially economic, social, and cultural rights". He argues that "deterioration in human rights is not the outcome of doing the right economics wrongly, but of doing the wrong economics rightly" (Branco, 2009, p. 89). By addressing this, the author hopes to contribute with a political economy that takes human rights as both the means and ends of sustainable development.

### **The Conflicting Languages of Economics and Human Rights**

Branco (2009) presents the traditional approaches to the economy that are focused on the market and its dynamics. Traditionally, economic languages do not integrate a human rights dimension in their perspectives. The author brings an approach that reinforces the conflicting languages between economics and human rights, and thus the main arguments that make difficult this connection, mainly to find the concept of human rights in the economic mainstream.

In this sense, the Universal Declaration of Human Rights (UDHR) and its treaties, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), emphasizing ICESCR articles and their economic rights, such as the right to self-determination, labor rights, the right to strike, and other rights related to economy, such as the right to employment, the right to standard of living, and the right to a continuous improvement in quality of life. In view of these rights, human rights cannot challenge the dominant economic logic and so the author asks "How is it, then, that economics and human rights seem to be divorced? One of the main reasons is the fact that economics and human rights do not share the same language" (Branco, 2009, p. 91).

By relating the UDHR and its treaties, the author does not bring a critical perspective on the human rights as a project of western domination. Although his approach reinforces that economy dictates the rules and that human rights in many points contrasts with the

economy, the author brings a universal perspective of human rights, which does not compromise local, cultural specificities, which demonstrates the lack of clarity regarding to the universalizing project of human rights. It also lacks the connection between colonialism, arguments, and authors focused on an economic analysis that disregards the debate and the critical trajectory of human rights. Moreover, the connection between neoliberalism and human rights could corroborate with the arguments, also reinforcing the relation between neoliberalism, economy, and human rights.

Considering the conflicting languages of Economics and Human Rights, the dominant economy would be reluctant to incorporate human rights in its formulation and, with rare exceptions, it is difficult to find the concept of human rights in the economic mainstream. Rights would not be intrinsically important to conventional economics and economics not only poorly communicate with human rights, but often see human rights as an obstacle to their interests. That said, for Branco (2009) there are three contradictions in the face of the conflicting languages of Economics and Human Rights: the antagonism between wants and rights; the antagonism between utility and rights; and the antagonism between economic problems and rights violations.

The antagonism between wants and rights refers to the fact that economic theory feels more comfortable dealing with desires than with rights. Economic resources can be unevenly allocated and, from a liberal normative point of view, inequality is perfectly compatible with social justice, provided that the least favored can improve their living conditions. Thus, inequality, economic efficiency can also tolerate the exclusion of individuals from the distribution of resources. However, when human rights are at stake, this is not tolerable, as everyone has the right to enjoy it. Thus, the economy divides goods into public and private, “asserting human rights means the provision of both public and private goods and services, which means that economics, whether it wants to or not, is forced to deal with human rights” (Branco, 2009, p. 95).

The inclusion of human rights in the theoretical framework of the economy would force the economy to adopt an unnatural behavior, as is the case, for example, of housing, a private good that can be unevenly distributed, but which the traditional economy is reluctant to address. In addition, Branco (2009) reinforces the role of the State in the promotion of equity and resource allocation and argues that the introduction of the

language of human rights in the economy can also be transferred from the market to the State, however, the traditional economy abhors state intervention.

As for the antagonism between utility and rights, human rights also aim to guarantee the rights of minorities. Thus, when the economy is confronted with human rights, insofar as it reaches the maximum social utility, it may conflict with the utility of some individuals or, in other words, with rights. From an economic point of view, this result can be positive, but from the point of view of law, it cannot. At that point, there would be a sacrifice, since the individuals themselves elect and legitimize the political authorities who, later on, end up in sacrifices, as is the case of unemployment. Thus, within the conventional economy, the individual seeks to maximize his utility function. In this sense, depriving an individual of a specific right negatively affects the entire community.

The third antagonism is the one between economic problems and rights violations. Economy is traditionally taught willing to answer to basic economic issues, such as resources, goods, scarcity, and others. The approach used to deal with these basic economic issues is positivist and, therefore, many times, it does not consider ethical questions. Thus, economy has fails and the human rights rhetoric brings a substantially different approach to the economic issues, resulting in human rights violation. If one rights is not guarantee, this happens because other person or institutions failed and thus the responsibility, in the human rights language, is fundamental. If there are obstacles to the human rights, the citizen has the duty to change the economic and social mainstreams. Thus, if the market fails, there is also the state. Thus, "human rights discourse empowers all individuals in their struggle for the good life, whereas the emphasis on skills, luck, or kindness within economics legitimates the exclusion of individuals regarded as unfit, unlucky, or plainly undeserving of enjoying a life with dignity" (Branco, 2009, p. 99).

For Branco (2009), ignoring human rights and following only the economic logic is equivalent to denying rights and, in a democracy, one cannot ignore human rights. Thus, the author asks, how is it possible to integrate human rights into the economy? Two approaches are proposed by the author. The first involves taking rights as a constraint within which the choice is made. The second option is to assume that rights are an integral part of the normative economy, the exercise of rights being just another aspect of choice. In the first option, the economy can adopt approximately two secondary approaches that can be contradictory: solving its maximization problems considering human rights as paramount; or

consider human rights as an unbearable constraint, declaring them very expensive. The economy, most of the time, considers only part of the costs related to human rights and its benefits are more difficult to monetize.

Thus, the author argues that the choice deals with which is the most favorable economic system, given the indispensable character of human rights, and that if human rights collide with economic rules, it is necessary to change the economic system and modify its rules. Thus, for dominant economic thinking, part of the population that is deprived of access to a particular asset due to budgetary restrictions and this should not be a cause for concern. On the other hand, the language of human rights would maintain that no one should be left out of the supply of that good, regardless of individual budget constraints.