

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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The Covid-19 pandemic – apart from a sanitarian crisis that has surprisingly led to a global response, exacerbating the social and economic inequalities inherent to most states worldwide – offers a scenery to discuss contradictions within the dominant economic capitalist model. Incompatibilities between human rights, health issues and economy are made evident by the management of the crisis. Many critical scholars argue that the outburst of such kind of pandemics is directly related to capitalist forms of production (intensive farming, urban centric societies, and impoverished populations). Even if the virus may look “democratic” in its first moments of contagion, the spread and management of the disease shows how unequal the damage for individuals suffering different degrees of exclusion is.

Arguably we are already in the toughest economic global crisis since the World War II, but for the first time a Universal Basic Income seems closer than ever. When a risk to health (of western welfare societies) is on the table, the huge distance between human rights and economy is back to the spotlight. Let us imagine for a second the enormous earnings of funerary services, the lack of cooperation of privatized health care systems in the control of the pandemic, and the high costs and difficult access to vaccines or medical supplies for a great part of world's population. Is it the global objective to intervene to save lives or is it to make profit in order to save the economy?

In order to understand better this problematic, I suggest to read Manuel Couret Branco's take on incompatibilities and conflicts between economics and human rights. The language used in his text is affordable for any newcomer to the field, in the sense that it is not as dependant on harsh economic technicalities, and its approach is intentionally general. It focuses on global or widespread assumptions about economy and human rights, which in the practice means that it reviews mainstream hegemonic economic systems and the neoliberal understanding of Human Rights, both from a western-centric perspective.

In his article, Manuel Couret Branco, an expert on political economy of human rights, contrasts the liberal approach to economy with other alternative positions favorable to the inclusion of rights discourse and therefore state intervention within economy.

Branco's defines mainstream economics as individualistic, utilitarian, only governed by the market and its rules and logic. Branco lists several authors that have alerted before him about the conflict between economy and human rights: Noam Chomsky, Edward Herman, Tony Evans, Janet Dine, Andrew Fagan. However, all of these authors deal with particular tensions between capitalism with human rights: property rights, labor relations, consumers behaviour and how economic and political power is used by the U.S. to promote and globalize a human rights paradigm which supports its interests while depriving those from other subjects. The harnessed and excluded may be its own citizens or foreign countries.

If we assume that human rights are literally those that everyone has just because one is a human being, it implies that none of this rights could be neglected by different individual economic status. For these rights to be granted, everyone should have the same opportunities – at least, on paper. To underpin this idea, Branco lists the rights proclaimed in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The first purpose of Branco's article is to argue how these well-intentioned proclamations contradict the logic underpinning mainstream economics. To do so, the author focuses on three layers of contradictions between mainstream economics individualistic language and human rights universalist language: the antagonism between wants and rights, the antagonism between utility and rights, and the antagonism between economic problems and rights violations.

At this point, Branco differentiates between the positivist approach followed by mainstream economy when dealing with wants and the normative approach which implies dealing with rights. Traditional economy deals with efficiency and equity separately, meaning that inequality and exclusion can be tolerated by economic efficiency. This is what liberal economists believe. Branco quotes John Rawls, who considers that the excluded have the freedom and opportunity to improve their living

conditions, and therefore, from his normative liberal standpoint, inequality is compatible with social justice.

Throughout the article, Branco contrasts such arguments with easily understandable examples. When mainstream economy is trying to allocate both private and public goods, it does so according to market rules. Branco brings the example of a bowl of strawberries, a private good which, if consumed by an individual, ceases to be available for the collective, and the air, as a public good, because its amount is not to be reduced after consumption by one individual and people cannot be excluded from breathing. But how does the market deal with these two kinds of goods? What kind of language does it use? Market is comfortable dealing with concepts like cost, benefits and price, and therefore, when talking about a public good, let's say air, it does not emphasize the point that an individual prevented from breathing air will die, but the fact that nobody would sell air because there is plenty of it available for free. As Branco explains, it is not the same to deal with housing as a private good, that could be distributed unequally and therefore produce exclusion, than as a right. In this last case, the norm should read that nobody could be deprived from a shelter. This is why the market does not like the state to interfere in its business by allocating private goods as rights.

It is really remarkable the use of edifying examples throughout the article. When discussing utilitarianism inherent to mainstream economics and its contradiction with human rights, Branco quotes several neo-keynesian economists such as Amartya Sen and Jean-Paul Fitoussi and the legal philosopher Ronald Dworkin, a critic of legal positivism. The examples given help to understand how economy, since it favours utilitarianism, has difficulties to adopt human rights logic. For human rights discourse it is equally reprehensible to achieve greater economic efficiency by lowering worker's standard of living and to guarantee greater security for the community by torturing suspects of terrorism. What is being discussed here is that rights should be granted to every individual, and consequently denying one individual to vote, deteriorates democracy and harms the common interest. The same happens with the increase of national income: it may conflict with the promotion of human rights, if it could not be granted that none of the citizens is forced to live through an unliveable salary. Branco also quotes Philip Harvey, a human rights economist, to bring another example to

understand this conflict. It is the well-known *U.S. versus Holmes* case, adapted to cinema on several occasions: 41 passengers and crew members fled from a sinking boat, after 24 hours water started pouring into their lifeboat and the crewman in charge decided that 14 passengers would have to leave the boat in order that the rest could survive. From an utilitarian point of view, this might have been acceptable but when speaking the language of rights it is not the outcome of the decision made by the crewman that had been judged but the arbitrariness of the decision: his procedure would have been legitimate if the crewmen were sacrificed instead of the passengers or should they have had drawn lots. As Branco says “human rights should institutionally guarantee that justice of means is as important as nobility of ends”.

In the last of the three contradictions outlined by Branco, Economic Problems versus Rights Violations, we distinguish again basic contradictions among the logic of economics and human rights, and see clearly how they really conform different linguistic contexts. When dealing with distribution (of goods), for economy, again according to the positivist frame, it is a matter of arithmetics. This means, ethics, for example, are not taken into account. Nor deprivation, a rights violation that is an evident outcome of social structure. These questions does not exist in the language of mainstream economy, because it does not include the term responsibility. Branco argues that this is because of “the anonymous and unaccountable character of decentralized economic decisions taken in the market”. Again it is paradoxical that while the state could be accountable for depriving individuals from human rights, the market is anonymous and free of accountability even if it fails to provide individuals with the goods necessary to assert their human rights. While human rights discourse considers the individual as a legitimate petitioner of welfare, economy tend to make a difference between “someone entitled, a lucky winner or a beggar”, legitimating exclusion as a common practice within social structure.

To conclude, Branco sees only two ways for economics to integrate human rights. First, by taking rights as a constraint, and secondly and much more advisable, by assuming them as part of the rules of the game, or even more, as the natural environment within to make choices and decisions: “a cohesive and sympathetic society is as important for

both the economy and human rights as courts and the market are. Therefore, of the aim to integrate human rights, economics needs to shift from the concept of satisfying individuals to the more inclusive concept of satisfying every individual". To support this second argument, Branco quotes authors such as Hans-Peter Weikard and Henri Bartoli.

The article ends with a funny comparison by anthropologist Marcel Mauss of King Arthur's round table and today's system of nations. Peoples, classes, families, individuals may be rich but they will never be happy unless they learn to sit around the round table of commonwealth. This is exactly why I consider Branco's article really timely during the current global crisis and pandemic situation. It seems that global decisions are taken to manage the crisis but in the process of doing so not only inequalities are made evident but even enlarged. How can we talk about quarantine when shelter is not granted for everyone? How can we prescribe washing hands to people who does not have access to water?