

ECONOMICS AGAINST HUMAN RIGHTS
(The Conflicting Languages of Economics and Human Rights)

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Abstract

It is said that economics value individual and economic freedom and from that many hastily conclude that mainstream economics value human rights. The purpose of this paper is to show that on the contrary mainstream economics is fundamentally contradictory with many human rights especially Economic, Social and Cultural Rights. First of all mainstream economics and human rights have trouble in communicating, the latter speaking the rights language and the former the wants language. Within the wants language, capability to pay is the key question whereas within the rights language, entitlement is. If in the first case exclusion and inequality are acceptable in the second case the only acceptable situation is the one characterized by inclusion and equality. In other words goods and services can be unequally distributed, rights cannot. Secondly the objective of social utility maximization can be contradictory with human rights as it may interfere with individual rights and finally the economic problem language is opposed to a rights language. Therefore, considering the introduction of different logics into the economic equation as unbearable interferences with economic logic, mainstream economics stands against human rights. In order to give a better illustration of this contradiction the particular conflicts between economics and the right to work, the right to water and the right to social security will be presented. We will also see that one cannot count on the market alone, to ensure economic, social and cultural rights, for example. The main conclusion of this paper is that in order to favour

human rights economics should either suffer a paradigmatic revolution or accept to play just a supporting role in the process of global development. In other words economics should partly be accepted as a political science.

1. Introduction

Human rights are one of the most influential and fruitful concepts of modern times and for many of the planet's poor and oppressed they are believed to be the miraculous lenitive that will bring them that justice and dignity indispensable to dress up their ephemeral earthly existence. Economics, in its turn, has developed a considerable amount of tools especially designed to overcome, or at least mitigate, scarcity, probably the most tormenting specter amongst those haunting the deprived. Human rights and economics have, thus, contributed immensely to free human kind; human rights from fear and economics from want. Besides the fact that they share a common object, people, human rights and economics are yet otherwise intimately connected. On the one hand, one must admit that asserting human rights demands economic means, and on the other hand efficacy and efficiency of the agent's economic decisions presupposes a significant degree of liberties. There is, therefore, an economic dimension to human rights as much as a human rights dimension to economics. Why do they seem to be divorced, and even conflicting, then? It makes very poor sense, indeed, that economics should regard human rights as competing rather than completing.

First of all, what are we talking about when we talk about economics? A rapid overview can identify at least twenty schools of economic thought, from neoclassic to evolutionary, from Marxist to post Keynesian. If one had to be accurate, an article on the interaction of economics on human rights would, then, have to be divided in at least twenty chapters. The sort of economics I will be referring to in this paper results from a considerably narrower point of view, though. Economics, here, will be mainstream economics, the school of thought which dominates not only within the academia, but also within the political cabinets and the media. Although one could easily mistake mainstream with neoclassicism, and therefore call the paper neoclassical economics against human rights, one should not indulge in such hasty amalgamation. What characterizes mainstream economics, in other words economics, then?

Mainstream economics, as any other school of thought, is characterized by its particular methodology, its particular rationality and its particular analytical weaponry. Mainstream economics is, therefore, individualistic, utilitarian and equilibrium driven, and, finally, obsessed with mathematical formalization. Being individualistic, mainstream economics defines its goals in terms of the pursuit of isolated individual's personal interest, social welfare, for instance, being the sum of each individual's welfare. Being utilitarian and equilibrium driven, mainstream economics is oriented towards the maximization of the individual's utility, in short monetary income, and the social equilibrium of supply and demand; the market, with its automatic paraphernalia, being the right institution called to regulate this process. Being obsessed with mathematical formalization, mainstream economics privileges quantitative cause and effect analysis, and unrealistically reduces society's complexity in order to discover scientific laws similar to those governing nature's realm.

One of the first scholars to have pointed out the conflicting logics of economics and human rights is Noam Chomsky (1979). Chomsky's main purpose was, and still is, to uncover what he considered to be the economic interests of the United States behind its human rights speech. More recently, Tony Evans (2005) and Janet Dine and Andrew Fagan (2006) recaptured this same subject. Tony Evan's book takes a somewhat similar approach to Chomsky's. He examines the interests associated with globalization and the part that the discourse of universal human rights plays in legitimating those interests, declaring, for instance, that "the US used its considerable political and economic power to promote a particular conception of human rights that sought to legitimate its own interests and those of global capital" (Evans, 2005: 12). Evans also intends to show how under the rule of the global economy there is a decline in the capacity of people to participate in the definition of the political agenda, weakening human rights assertion.

In the volume edited by Janet Dine and Andrew Fagan the essays they collected address three main issues. In the first part they explore, from a theoretical and philosophical point of view, the tensions between capitalism and human rights, particularly in what concerns property rights, labor relations or consumer's behavior; in the second part they examine the conflict between human rights and the trading system, scrutinizing more thoroughly the way intergovernmental organizations such as the World Trade Organization operate, for instance; and, finally, in the third part they focus on South America, reviewing the last quarter of the twentieth century's history of the

human rights cause, and analyzing the debt repayment in Argentina and its relation with human rights.

Although these works examine the economy, pointing out its implications for the promotion of human rights, it is not economics *per se* that is being charged. In contrast, the main purpose of this article is to charge the logic of mainstream economic thought itself, rather than the hidden interests in the economy, somewhat taken as illegitimate or just unethical, for the erosion of human rights, and most especially, economic, social and cultural rights. In this view human rights decline, or simply lack of assertion, should not be seen as the outcome of doing wrongly the right economics, but of rightly doing the wrong economics. Addressing this issue also intends to contribute to the major discussion concerning the construction of a political economy that takes human rights to be simultaneously the means and the ends of sustainable development.

2. The Economic Dimension of Human Rights

Advocates of negative freedom define individual freedom of action as lack of constraint, put by other individuals or, very commonly, by the State. This lack of constraint is supposed to allow the individual to take alternative courses of action. Well, there are many constraints other than just those that are inferred by the negative freedom idea. Indeed, the lack of means puts also a strong constraint on freedom to act, for instance. Unless these means are available to him, like food, clothing, or shelter, an individual will most certainly be unable to act freely. In this view the poverty that leaves the potential litigant unable to go to court is just as much of a constraint as arbitrary arrest (Archer, 1995: 17).

This is, precisely, the argument advocates of economic, social and cultural rights put forward. Civil and political rights do not make sense, rather, are impossible to ensure, without guaranteeing some economic, social and cultural rights. According to the Universal Declaration of Human Rights (UDHR), proclaimed at the general assembly of the United Nations on 10 December 1948, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights.

In the UDHR human rights were taken in their entirety, in other words their civil, political, economic, social and cultural dimensions were one, without distinction, or better said hierarchy of greatness amongst rights. Within the UDHR the right to be presumed innocent until proved guilty (article 11), the right to freedom of opinion and expression (article 19), the right to work (article 23), the right to social security (article 22), and the right to freedom of religion (article 18), for instance, cohabitated harmoniously. The distinctions that gave birth to the approval, in 1966, of two different treaties, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), sprang up from the vicissitudes of Cold War, the low intensity conflict between the two great political and economical blocks that characterized world history in the second half of the twentieth century.

The ICESCR along its thirty one articles establishes a set of rights based on the peremptory obligation of guaranteeing all individuals the satisfaction of needs without which their life, a dignifying life one should add, would not be possible. The first economic right registered in the covenant concerns the right to self-determination of all peoples along with the right to freely dispose of their natural wealth and resources (article 1). Next, a set of rights concerning work is formulated. Firstly the right to work strictly speaking (article 6), and secondly the so called rights at work, which include the right to a wage sufficient to provide a decent life to the worker and his family; safe and healthy working conditions; and paid vacations (article 7). Finally, the right to form trade unions and to go on strike is added to this set of rights (article 8).

The ICESCR also recognizes the right of everyone, regardless of having a job or not, to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions (article 11). This covenant also proclaims the right to social security, by the means of protection schemes in illness and old age, for instance. Within rights concerning social protection special reference must be made those concerning the protection of mothers during a reasonable period before and after childbirth and of children and young persons from economic and social exploitation, namely by proposing signatory countries the institution of age limits below which the paid employment of child labor should be prohibited and punishable by law (article 10). It should be stressed that the ICESCR proclaims that all rights should be enjoyed by everyone without discrimination of any sort, be it ethnic, religious, political, or based on gender or economic status (article 2).

From what has just been said economics cannot avoid being challenged by human rights. Lets us now pass on to answering the question asked in the introduction, then. Why do economics and human rights seem to be divorced, then? I sustain that one of the main reasons for this unjustifiable divorce is the fact that economics and human rights do not share the same language.

3. The Conflicting Languages of Economics and Human Rights

By conflicting languages we mean, firstly, that, by principle, economics is reluctant to incorporate human rights into its equation. Indeed, one can seldom find the concept of human rights within economic reasoning with the remarkable exceptions of its explicit incorporation of property rights and its implicit references to freedom of expression. As a matter of fact, both these rights constitute essential pillars of economic rationality as there is no such thing as personal interest without property rights and, although history has given us many examples of an unnatural cohabitation of economic freedom and political repression, separating rational choice from freedom of choice and, therefore, from freedom of expression, seems hardly conceivable. In both these cases it's the instrumental value of rights, in other words the value given to the consequences of adopting rights, rather than its intrinsic value that is being considered, though. Indeed, as a result of utilitarianism, rights, as Amartya Sen pointed out, are not intrinsically important for mainstream economics (Sen, 1993: 47).

Secondly, not only economics communicates badly with human rights but it often takes human rights as an obstacle to the expression of its logic, most especially when economic, social and cultural rights are concerned. We will examine this conflict of languages through the exploration of three contradictions. The first contradiction regards the antagonism between wants and rights, the second, the antagonism between utility and rights and, the last, the antagonism between economic problems and rights violations.

Wants versus Rights

One is forced to admit that economic theory feels more comfortable dealing with wants than with rights. Within economic analysis, satisfying wants implies the use of concepts like cost, benefit, and price, and therefore, the issue is capability to pay, in other words purchasing power. With rights, on the other hand, the issue is quite different; the heart of the matter here concerns entitlement, the criteria according to which an individual should qualify to enjoy rights, purchasing power being obviously excluded, and the consequences of the use of such criteria. Furthermore, whilst dealing with wants economics can take shelter in a positivist approach; dealing with rights, on the contrary, pushes it to risk normative stands, adding supplementary embarrassment to economics' traditional insight.

In traditional economic theory efficiency and equity are dealt with separately. Whereas efficiency, being essentially a technical issue, can be approached through positive analysis, equity, on account of its value judgment content, demands a normative approach. This separation has been severely questioned by many economists for a long time, but the fact is that economic resources can be unequally allocated, for example, without economic efficiency being the least troubled. As a matter of fact, from a normative liberal standpoint, inequality is perfectly compatible with social justice as long as the least favored layers of a community can better their living conditions, as it ensues from the wording of John Rawls' second principle of justice (Rawls, 1972). Besides inequality, economic efficiency can also tolerate exclusion of individuals from the distribution of resources when the former are fastened by tight budget constraints.

None of this is tolerable when human rights are at stake. Human rights, if they are to be fully taken as rights, must be equally allocated amongst all those entitled to enjoy them within the community. Basic liberties, for instance, do not admit another allocation than an equalitarian one (Rawls, 1972). Indeed, one cannot accept that some individuals may deposit more votes in the ballot box than others. Needless to remind that universal suffrage, confers one, and only one, vote to every citizen of age. Beyond the legitimate statutory exceptions, basic liberties do not admit exclusion either. If a citizen is arbitrarily excluded from participating in an election, this means not only that he is denied his right to vote but also that the right to vote is not ensured in the community to which he belongs, even if all except one are allowed to participate in the voting. Indeed, rights are either guaranteed for all or they aren't for none.

One should indulge now in a slight digression in order to specify the way in which economics classifies goods as well as services. Economics divides goods in two main categories, public and private goods. In economics a public good is a good that is non-rivalrous and non-excludable. This means that the consumption of this good by one individual does not reduce the amount of the good left for the consumption of other individuals, and that no individual can effectively be excluded from consuming that good. Take the example of a bowl of strawberries and cream. If one individual eats it, that particular bowl ceases to be available for the consumption of other individuals. It is also possible to prevent an individual from consuming the bowl of strawberries if he is not willing to pay for it. In this case there is that rivalry and exclusion which makes our bowl of strawberries and cream a private good. On the contrary breathing air does not significantly reduce the amount of air available to others, nor can people be excluded from breathing it. That is why air is a public good, a pure public good one might even add.

Now, when economics states that individuals cannot be excluded from breathing air it is not stating a moral imperative, it is just saying that individuals cannot be prevented from breathing air because it is technically impossible to exclude from its consumption individuals that are not willing to pay. Indeed, when economics states that an individual cannot be excluded from breathing air it is not referring to the fact that an individual prevented from breathing air will just die, but plainly to the fact that no individual can make a living out of selling breathing air because there is plenty of free air available. In the real world it is hard to stick to this categorization of goods but for the purpose of this discussion this division between private and public goods is sufficient enough to make one's point.

As one can easily notice, asserting human rights means the provision of both public and private goods and services, which means that economics, whether it pleases it or not, is forced to deal with human rights. Well, the introduction of human rights, namely economic, social and cultural rights, into the economics theoretical body, would force economics to adopt an unnatural behavior, for to accept rights should mean to accept that the allocation of many goods and services must not forcibly observe market distributive rules. The economic efficiency precept does not oppose to this when public goods and services are concerned; but satisfying rights, economic, social and cultural rights in particular, goes way beyond the definition of distributive rules referring to public goods and services only. It regards private goods and services too, as determined

by article 11 of the ICESCR, for instance, which declares the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. As a simple private good, housing, for example, can be unequally distributed and can contemplate exclusion, that is to say homelessness. As a right, housing not only demands a distribution such as nobody is deprived of a shelter, but also that some basic qualitative criteria must be met, normative issues which traditional economics is reluctant to address.

Another aspect that can enlighten us on the divorce between economics and human rights is the fact that there is an institution within which vocabulary equity and inclusion can be found; the State. Indeed, one of the State's functions is to promote equity and inclusion in the allocation of its resources. Therefore, the introduction of human rights language in economics means that the responsibility for the process of allocating private goods and services as rights might have to be transferred from the market to the State. Well, given that traditional economics abhors State intervention, seen as an unbearable interference with the market, one shouldn't be surprised if economics ends up displaying a notable distaste for a concept which contributes, precisely, to legitimize such interference.

Utility versus Rights

Let us now take into consideration that human rights can be interpreted as the limits of losses individuals can tolerably endure for the benefit of others (Dworkin, 1978). Indeed, even when the promotion of noble social objectives is at stake, human rights must protect individuals, and particularly minorities, from policies that benefit the community as a whole, but which intolerably overcharge them. Promoting human rights should, therefore, institutionally guarantee that justice of means is equally important as nobility of ends. This safeguard is crucial when economics is confronted with human rights, as reaching the maximum of social utility, mainstream's political economy founding design, may collide with some individuals' utility or, in other words, rights.

From the strict economic point of view this result may be satisfactory and even optimal, but from the point of view of rights it may not be bearable. There is mainly one condition for accepting that individuals' rights may be subordinated to society's interest

which is that the individual must consent in this sacrifice, either explicitly or indirectly by freely participating in elections that end up legitimating those authorities that call for the individual's sacrifice; regarding that these demands are not arbitrary and do not support any sort of kleptocratic governance. Thus, and considering on the same footing human rights such as the right to work and protection against torture, for example; achieving greater economic efficiency at the expense of greater unemployment or of lowering workers standard of living below human decency will be as reproachable as providing greater security to the community at the expense of torturing a suspect of terrorism. Well, traditional mainstream economics has a hard time addressing this sort of issue, even when it is willing to do so.

Within traditional mainstream economics the individual seeks to maximize his utility function, in other words he looks for the highest income possible. Considering all humans alike, this same traditional mainstream economics interprets social utility as the sum of all individual utilities, the utility of the community being, therefore, measured, for instance, by national income. This calculation system, despite being theoretically contested by many economists, has obtained, nevertheless, a recognition that overcomes the orthodox versus heterodox methodological fracture. Within this system it is perfectly conceivable, either from a formal or a moral point of view, that disutility, or negative utility, for an individual, may end up not only not affecting social utility but even contributing to raising it.

The introduction of the rights language, on the contrary, radically changes the common welfare function. Indeed, depriving an individual from a particular right, or simply reducing its enjoyment, affects negatively the entire community. As opposed to social utility, the degree in which a right is guaranteed cannot be measured by the sum of the number of individuals enjoying it, but rather by the degree in which the purpose of that right is guaranteed for every individual. Therefore, the degree of democratic participation, for instance, cannot be measured by the number of individuals benefiting from the right to vote, but rather by the extent of the decisions that are submitted to the scrutiny of all. As we have seen before, arbitrarily denying an individual the right to vote is equivalent to denying it to the whole of the community; even if, taken one by one, no other citizen seems to be affected. In this case, thus, arbitrary individual deprivation of the right to vote not only affects the maximization of democracy but can also represent a deprivation of democracy for the community as a whole. In this sense, seeking for the maximization of national income can be conflicting with promoting

human rights if that implies that, as a consequence, one individual is condemned to earn an income incompatible with a decent life.

A very well-known legal dilemma in the United States, *US versus Holmes*, perfectly illustrates the essence of this conflict. In the beginning of spring 1841 an American ship collided with an iceberg when crossing the North-Atlantic, and rapidly sank leaving 41 passengers and crew members squeezed in a precarious lifeboat. In spite of the lifeboat being overcharged the crew managed to keep it afloat for 24 hours thanks to favorable weather conditions. However, the following day these conditions got worse and began swamping the lifeboat hopelessly. Then, fully convinced that this precarious craft would soon sink and drag every castaway into the frozen depths of the ocean, the officer in charge of the lifeboat ordered the crew members to throw overboard every male adult unaccompanied by their wives. Fourteen men, and two women that chose the same fate as their brothers, were sacrificed. Thus relieved, the lifeboat resisted to the inclemency and by the following dawn all the remaining passengers were rescued by a ship passing at a distance (Harvey, 2002).

From the strict utilitarian point of view, the officer involved limited himself to maximize the group's utility given the constraints in terms of the lifeboat's capacity and the weather conditions. The only alternative left to him was keeping every passenger aboard the lifeboat and condemn the lot to be swallowed by the liquid fury, depriving all, and not just a few, from their certainly very much esteemed life expectations. Comparing both solutions' final degrees of utility, sacrificing sixteen passengers was perfectly legitimate, therefore. From the rights point of view, however, the outcome is manifestly contrasting. Indeed, the sacrificed passengers were not only deprived of their lives but also of their right to live, and consequently the rescuing of the remaining passengers could be considered a criminal act. That is exactly what happened in this story when the survivors were brought ashore. Anticipating all the legal complications their decision might bring them, all crew members fled, with the exception of one, who ended up being taken to court and sentenced to six months in prison for manslaughter.

The judge who pronounced the verdict, nevertheless, considered that the officer's procedure could have been legitimate had he taken one of two options, the first being that members of the crew could have been sacrificed instead of passengers, this being interpreted as the fulfillment of a duty, and the second that the sacrificed passengers could have been either voluntary or picked by drawing lots. In both these cases, the attempt on the victims' lives could have been acceptable from a rights point

of view. Indeed, voluntary renunciation to the right to live often constitutes a substantive assertion of this same right much more eloquent than its preservation. It is the case of all those that in the course of history have died for causes they manifestly valued more than their own lives.

The verdict pronounced by the judge and his comments reveal that it was not the result of the officer's decision that was condemned, but the process that led to it. In other words it was not the maximization of social utility, the sacrifice of passengers, that was illegitimate, but the arbitrariness of the process through which the victims were picked. Bear in mind that both the officer's behavior and the alternatives proposed by the judge are equivalent in terms of the result. This result, though, can be valued differently whether one looks at it from the point of view of social utility or from the point of view of individual rights. In the court's verdict social utility constitutes a perfectly legitimate goal but under no circumstances should it overrule human rights.

On a different register, but sharing the same matrix of the above mentioned dilemma, Jean Paul Fitoussi, in a seminar on Social Europe that took place in Lisbon in 1997, declared that if its economic model was to be maintained, Europe could only become richer, in other words increase social utility based on the aggregation of individual incomes, if a non negligible part of its population would accept to become poorer. As a matter of fact, in Europe, since the 1970s, despite unemployment having been multiplied by a factor of three, meaning that many workers saw their individual utility being considerably reduced; national income, in other words social utility, kept growing vividly almost everywhere. The United States version of this same conflict is best represented by the growing phenomena of the working poor. It is quite revealing that Paul Krugman entitled one of his famous articles *Europe Jobless, America Penniless*, when describing the dilemmas faced by employment policies in the 1990s (Krugman, 1994). From the point of view of the maximization of utility such a path could be admissible, but Fitoussi added that the consequent inequality could be intolerable from the point of view of justice and politically unsustainable from the point of view of democracy. In such circumstances the liberal quest for the maximum of social income may be, indeed, contradictory with some of the basic injunctions of human rights' philosophy.

Economic Problems versus Rights Violations

Economics main objective, as it is taught to many undergraduate students around the world, is to give an answer to what are called the economic basic problems. These economic basic problems consist, firstly in figuring what goods should be produced, and how much and when; secondly how should these goods be produced, in other words by whom and with which resources; and, finally, to whom these goods should be produced, which also means answering questions about the social distribution of benefits. Although in some of these aspects a normative approach is inevitable, the economic basic problems are mainly positive. Even when distributional issues are at stake it is the arithmetical problem that is being referred to rather than the ethical problem. In other words the basic problem does not concern the distribution most adequate to justice, but plainly the calculation of the arithmetic distribution which ensues from the application of the principles of efficiency and rationality, regardless of any value judgment.

Despite this positive approach to facts, economics never considered people's deprivation, for instance, as some of sort of fate, the result of things being what they are. Deprivation has been rather the outcome of either nature's random behavior or human's incompetence. In other words deprivation resulted either from nature playing people nasty tricks or people being incapable of making the right decisions in addressing economic basic problems. The search for the good life signified, therefore, a struggle to dominate nature, or to predict and mitigate its whims, and a quest for efficiency in human action. The rhetoric of human rights, in contrast, introduces a substantially different approach to deprivation by transforming economic problems into possible rights violations, that is to say into discriminations or structures that prevent people from exerting rights (Offenheiser and Holcombe, 2003).

Within the economic problems language one may have to surrender to the insolubility of deprivation; on the contrary, within the rights violations language, deprivation is not inevitable and, therefore, there is no reason for tolerating it. The high level of unemployment, for example, ceases to be seen as a fate weighing on the economies, a lesser wrong or a bitter macroeconomic instrument; and becomes, rather, an attempt on human rights, taking Riccardo Petrella, amongst others, into saying that involuntary unemployment, for instance, should be considered illegal (Petrella, 2004). Furthermore, the idea of rights violations sends us to responsibility, in other words to

the identification of its source, sharply contrasting with the anonymous and unaccountable character of decentralized economic decisions taken in the market.

Indeed, in human rights language, rights of individuals correspond to duties of other individuals, in other words human rights represent the rights which individuals have on others' demeanor. Therefore, if some individuals' rights are not ensured that is due to the fact that other individuals or institutions have failed in carrying out their duties. In human rights language, responsibility is, therefore, a key issue. Well, if agents' or institutions' behavior represent an obstacle to assert human rights it is, then, their duty to change it. From this, one can deduce that individuals have rights on the design of economic and social arrangements, namely on the definition of economic systems, as far as they affect human rights assertion. For the individual the question is how to make his claim. When the State fails in ensuring an individual his human rights the State is accountable, either legally in a court of law or politically through elections. If the market fails in ensuring human rights, in other words fails to supply the goods necessary to assert them, whom should an individual turn to? The State is both elected and known, the market, on the contrary, is, by definition, anonymous.

As a matter of fact, this discussion also stems from the justiciability debate regarding economic, social and cultural rights. Some scholars consider that economic, social and cultural rights are only rights in manifesto sense and that, therefore, they are not justiciable and cannot be treated as individual legal claims; in other words they do not constitute a duty for others (see Donnelly, 2005). In this sense to be out of a job would be considered an unfortunate situation, but not a crime. In other words, in the economic problems language, full employment, for instance, would be the outcome of a fortunate conjugation of fruitful effort and nature's generosity, rather than of a claim's pressure. In the same spirit, universal suffrage, to take another example, has been very often considered not just a demand of democracy but, somehow, a windfall of economic progress (see Levi-Strauss, 1984; Lipset, 1959; Przeworski et al, 2000; Dhal, 1999). In 1968, for instance, slightly after a successful military coup, an Argentinean government official told Albert O. Hirschman that only once the country had attained economic stability and a certain level of economic growth would it be ready for the reinstatement of civil liberties (Hirschman, 1988: 112).

Thus, in claiming for the universal suffrage one should not appeal to justice and human rights but rather engage into creating the conditions for economic progress. Economics uses this kind of argument very often. For instance, welfare is mainly seen

as being the outcome not of a claim but of a trickle down effect of economic efficiency and growth. This idea that presents many human rights, economic and social as much as civil and political, as the result of economic progress is simply preposterous. Throughout history human rights have been essentially conquered, not received (see Bhaduri, 1993). Indeed, women's right to vote, the right to form trade unions or the right to paid vacations resulted from collective claiming movements, frequently violently disputed as a matter of fact.

The difference regarding the sense of causality reveals yet another clash between economics and human rights, this time about the way humans are considered in the process of meeting their wants. Indeed, when facing human welfare, rights language takes the individual as a legitimate petitioner whereas economics is more inclined to take him as being a creditor of a reward, a lucky winner or even a beggar. By putting emphasis on entitlement, human rights discourse empowers all individuals in their struggle for the good life, whereas putting the emphasis on skills, hazard or kindness, economics contribute to legitimate potential exclusion of individuals taken to be unfit, unlucky or plainly undeserving, from the enjoyment of a dignifying life.

Finally, when universal rights, such as human rights, are being promoted one is asserting a social preference. In other words one is taken to admit that a certain degree in which people's wants are covered may be better than another. A situation in which, for instance, all the population benefits from safe tap water or social security is better than any other. Actually, as far as human rights are concerned, universal coverage is the only acceptable situation. Any situation other than universal coverage, or at least a tendency for universal coverage, must, therefore, be considered not only inferior but also unacceptable as it could constitute a violation of a human right. Well, the market has once again a hard time promoting human rights simply because it does not utter preferences of structure. As a result of all the information conveyed by economic agents, the market can utter many preferences, but it does not have arguments to assert that universal coverage is better than any other structure of distribution.

4. Conclusion – For a Dialogue between Human Rights and Economics

For economics, ignoring human rights, in other words simply unfolding its logic regardless of any other, is equivalent to denying them. Well, in a democratic society

economics cannot ignore human rights, not only would it be senseless, but it would also be harmful to its own purposes. But can it integrate them? When dealing with rights economics can basically take one of two approaches. The first option consists in taking rights as a constraint within which choice is made, the second option in assuming rights as an integral part of normative economics, and in this view exercising rights is just another manifestation of making a choice (see Weikard, 2004).

Along the lines of the first option, economics can roughly adopt two secondary approaches that may actually be contradictory. On the one hand, economics can look for resolving its maximization problems considering human rights as primordial and, on the other hand, economics can take human rights as an insupportable constraint rendering the maximization exercise unattractive, obliging, consequently, people to choose between human rights and economic efficiency. The first attitude respects human rights although it does not scare away the specter of a paralyzing conflict between both logics. The second attitude, on the contrary, contributes to hinder human rights with such arguments as them being too costly.

This is a most convenient, although biased, approach as most of the time economics only considers part of all the costs related to human rights. Indeed, if many economists, with some cynical intemperance even, devote themselves to calculate the costs of social security, for instance, with the confessed goal of demonstrating society's incapacity in paying the price of overgenerous policies, very few are those that, according to the same principles, are coherent enough to also calculate the costs of the inexistence of social security, revealing, thus, the ideological bias which, hiding under the mask of analytical rigor, dictates the alleged frivolity of economic, social and cultural rights.

Human rights also generate benefits though these are harder to monetize and consequently harder to handle within the typical cost benefit confrontation dear to economics. However, even if this confrontation could produce tangible results, cost and benefit could never be the basic criteria for the integration of human rights and economics. Human rights altogether were not born from any evidence revealed to the individuals through some kind of positive reasoning in the shape of an unequivocal demonstration of the social utility maximization obtained through its adoption. Human rights resulted from a normative reasoning according to which individuals considered a dignified existence impossible to reach without them. Thus, the choice individuals are called to make does not concern whether human rights should be adopted or not given

the economic system, on the basis of human rights being favorable or not to economic performance, but which is the most favorable economic system given the indispensable character of human rights. In a democratic society if the human-rights option collides with a definite system of economic rules, it is necessary, then, to enrich this system and modify its rules.

If human rights are taken, essentially, as a mechanism protecting minorities from decisions taken by majorities in their profit but resulting in prejudice for the former, this means that the enrichment of one part of the world, for instance, cannot be pursued at the expense of the material, cultural and spiritual impoverishment of another part, especially if this constitutes its weakest link. Asserting economic rights cannot, therefore, be taken as an equivalent to maximizing utility, better said within this process social utility cannot be mistaken with aggregate utility. This clearly tells us that economic goals must be rephrased. Take production. Indeed, producing one particular commodity having in mind the satisfaction of demand or the assertion of human rights doesn't mean the same, although this enterprise might be undertaken in a similar fashion.

Within economic mainstream thought, meeting effective and viable demand is satisfying enough as a social role for the producer, and that part of the population which in consequence is deprived of access to a particular good on account of budget constraints should not be of concern. On the contrary, in the case of human rights assertion through the supply of this same good no one should be left out, regardless of individual budget constraints. On the one hand, one is meeting private demand, because its nature is mainly individual, and on the other hand one is meeting a public demand because, in contrast, its nature is now mainly social or collective. Well, according to corporate logic, meeting private demand is a normal procedure whereas meeting public demand is not.

The essence of the conflict between economics and human rights also resides in the ways the political and the social are apprehended. As Henri Bartoli states the social and the political should be taken as the territories where major social choices are made rather than those where the conflicting natures of the economy and the society are expressed (Bartoli, 1996). It is important to stress that a cohesive and sympathetic society is as important for both the economy and human rights as courts and the market. Therefore, aiming at the integration of human rights, economics' methodology, needs to shift from the concept of satisfying individuals to the more inclusive concept of

satisfying all individuals. Let me end by quoting the renowned French anthropologist Marcel Mauss.

In his extraordinary masterpiece, *Essay on the Gift*, he makes use of King Arthur's legend to propose an interesting metaphor sustaining the need for society to encompass social solidarity. This legend tells us how, by envy, in stupid skirmishes, duels and murders stained with blood King Arthur's court's most beautiful feasts. Then, the King, with the help of a Cornwall carpenter, invented this miracle of his court, the Round Table, around which sixteen hundred and more knights could be seated and from which none would be excluded. From that day on knights didn't fight any more, and joyful and invincible became King Arthur's noble company. Mauss concludes by declaring that:

That is how nations are still made today, strong and rich, happy and good. Peoples, classes, families, individuals, can grow rich, they will only be happy when they will know how to sit, like knights, around commonwealth (Mauss, 1983: 279).

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