

**SCHWARTZ CENTER FOR
ECONOMIC POLICY ANALYSIS
THE NEW SCHOOL**

SCEPA Working Paper 2010-7

**Economics and Human Rights:
A Non-Conversation**

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WORKING PAPER SERIES

October 12, 2010

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I. Introduction

What, if anything, do economics and human rights studies have to contribute to each other? It seems fair to say that, to a first approximation, these disciplines have contributed little to each other. Their points of contact have been few, and the practitioners of each discipline largely view the other with indifference, incomprehension, or hostility. This is perhaps surprising in light of the fact that scholars and practitioners in both fields present often strong and it would appear sometimes contrasting views as to how society should be organized and why. How can we understand the reasons for the limited nature of this conversation, or perhaps more accurately non-conversation? In the following I shall present some hypotheses in this regard, as well as point to some possibilities for enhancing such dialogue as does exist.²

II. The Economic Worldview

Although the question of why economists and human rights advocates do not communicate with each other much (or with much success) could perhaps be explored with reference to either discipline, it may be fruitful to approach this issue in the first instance through an understanding of the dominant economic worldview. In speaking of the "economic worldview", I shall have in mind the perspective espoused by a very large proportion of mainstream economists, but in doing so will not imply nor presume that all economists share this perspective. I describe below only some of the conceptual commitments which explain the (non-)receptivity of a very large proportion of economists to human rights concepts. Many economists who do not subscribe to the ideas described have other, different, reasons for their indifference to human rights concepts, while still other economists are not hostile to them at all.³ The description that follows should therefore be thought of as an exercise in discourse analysis. It aims to uncover central tendencies and conceptual underpinnings, rather than comprehensively to portray the attitudes of economists to human rights concepts. A (non-exhaustive) presentation of the predominant elements in the worldview of mainstream economists that cause their indifference, incomprehension or hostility to human rights studies may include the following.

One. Narrowly Consequentialist vs. Procedural Concerns

A deep-seated commitment of many mainstream economists is to consequentialism - the view that alternatives must be judged according to the consequences which they generate. I have in mind here the narrow and accustomed understanding of consequentialism, as a doctrine which makes a distinction between the processes leading to an outcome and the outcome itself, and demands that alternatives should be judged solely according to the desirability of the outcomes to which they give rise. Thus understood, consequentialism is a demanding doctrine which demands indifference between alternative means of achieving a particular outcome.

² In this, I attempt to add to a recent and rapidly expanding literature. See e.g. Alston (2005), Balakrishnan and Elson (2008), Balakrishnan, Elson and Patel (2009a, 2009b), Fukuda-Parr (2008), Osmani (2005a, 2005b), Sen (2000, 2004), Sengupta (2002), etc.

³ It should be noted that very few economists of any persuasion have *explicitly* integrated human rights concerns into their work until the last decade, even if there were human rights related concerns motivating such work (as for instance, with the UNICEF report on structural adjustment, *Adjustment with a Human Face*). Some economists, most notably Amartya Sen, have been alive to their importance for many years. Sen (2004) presents a characteristically considered and comprehensive approach to the subject.

It is evident that such a perspective is deeply at odds with that which is espoused by most human rights advocates.⁴ I am not asserting here that human rights advocates are unconcerned with consequences, but rather that they are not concerned only with consequences, unlike many mainstream economists. Where human rights advocates and mainstream economists are both concerned with consequences, they may disagree on the importance to be attached to consequences of different sorts (e.g. economic growth vs. poverty reduction). Moreover, they seem often to disagree as to the means to be favored in bringing about desired consequences (e.g. indirect effects of market processes vs. direct effects of state action). Although these contrasts in valuational perspectives and preferred methods of causal intervention are greatly important, I will not extensively explore them here, as I wish instead to highlight some differences in underlying conceptual commitments which are less often noticed but which have extensive implications.

Rights ascribed to specific agents are often thought of as defined by the restrictions they impose on actions of other agents as well as by the obligations they generate for these other agents to act in certain ways⁵. In the extreme case, a right may be asserted to exist independently of the consequences to which this assertion gives rise. This focus on permitted and restricted actions generates an evident conflict with consequentialism as generally understood.

Although this conceptual divide has explanatory force in understanding why mainstream economists and human rights advocates do not share a common evaluative framework, it is not correct to describe human rights advocates as pure proceduralists, even when they advocate those rights which are most easily defined in terms of procedural injunctions. Even when we restrict our attention to the narrow form of consequentialism (which makes a distinction between procedures and consequences and claims only to value the latter) the contrast between the two approaches can be overdrawn. An adequate account of why particular actions are either proscribed or required typically depends on having a description of the consequences which such actions are likely to generate. For instance, in order to generate a convincing account of why the procedural injunctions not to kill or not to steal enjoy moral force, it is necessary to pay some heed to the particular kinds of harmful consequences that are created by killing or stealing. A *purely* procedural account of moral reasoning independent of such reference is hard to imagine. Many seemingly procedural rights-based injunctions can be found ultimately to depend for their moral force upon reference to the likely effects of certain actions, even if their syntactical form is purely procedural.

The actions that are required to generate good consequences are very often also actions which respect certain procedural injunctions. Mainstream economists and human rights advocates may therefore agree on practical prescriptions even where they disagree on the importance to be

4 In referring to consequentialism here I do not have in mind the "broad consequentialism" which has been espoused by Amartya Sen, who has argued that a range of considerations which are commonly thought of as procedural can be taken account of in an adequately rich understanding of the nature of consequences [See e.g. Sen (1985, 2000)]. Such a perspective entirely abolishes the distinction between consequentialist and procedural (sometimes called deontological) concerns, or requires that it be re-articulated as a distinction between consequences of different kinds.

5 For general conceptualization, see e.g. Sen (1982). For formal representation of rights as "game forms" which identify restricted and permitted combinations of actions see e.g. Gärdenfors (1981) and Gaertner, Pattanaik, Suzumura (1992).

attached to procedural considerations in themselves. At the same time, the basic conceptual tension arising from the relative roles they typically assign to means and ends can give rise to difficulties in establishing mutual comprehension and cooperation.

Two. Monism and Pluralism

Human rights advocates have emphasized the existence of a range of rights. These rights are often subdivided into types (for example civil and political rights as distinguished from economic social and cultural rights). Distinct rights, whether or not of the same type, are taken to generate independent restrictions and prescriptions with respect to action. In this respect, human rights advocates evince a decidedly pluralistic conception of value. In contrast, mainstream economists by and large adopt a "monistic" evaluative perspective, in which a single "master goal" is proposed as an appropriate guide for action. Such a master goal (e.g. social welfare, or utility) may be seen as being potentially furthered by many distinct means (e.g. the welfare of distinct persons, or the consumption of distinct goods), thus permitting the examination of trade-offs which may be undertaken in the service of the master goal⁶.

This distinction can of course be overdrawn. An individual master goal (such as flourishing) may be promoted by multiple ends (such as individual capabilities) which are both valuable in themselves *and* in so far as they contribute to the master goal. In such a perspective, the multiple ends are seen as constitutive of rather than subordinate to the master goal. Nevertheless, an important distinction exists between those perspectives which highlight the monistic orientation of an evaluative scheme toward a master goal (and correspondingly, in favor of trade-offs which advance that aggregative master goal) and those which highlight the pluralistic orientation of an evaluative scheme (which gives rise to a corresponding resistance to trade-offs between these various values).

When faced with such monist and pluralist perspectives it seems unreasonable to insist that one is "right" and the other "wrong", as a complex moral terrain is likely to be possible to approach plausibly from more than one perspective. However, it is quite clear that an aggregationist approach may obscure important distinctions and inappropriately obscure the presence of independent values whereas, contrarily, a pluralistic approach that rejects the possibility of aggregation may fail to recognize the valuational interdependence of apparently distinct ends.

Human rights advocates uphold both dimensional pluralism and interpersonal pluralism, insisting that concern for human rights demands that the adequacy of each individual's life must be assessed in diverse respects, *and* that this must be done for each and every individual. Their primary orientation is therefore, correspondingly, antagonistic toward aggregation.

The orientation of mainstream economists toward aggregation is more ambivalent. In the assessment of individual lives, mainstream economists are often willing to undertake aggregation across the different dimensions of human experience, using for this purpose aggregative concepts such as "utility". In doing so they typically attempt to interpret individuals' own assessments of desirable trade-offs, as reflected for instance in their "revealed preferences", in order to identify

⁶ See Barry and Reddy (2008) for a discussion of the concept of a master goal, drawing on Pogge (2000) and Tinbergen (1952); see also the classic discussions on utilitarianism, e.g. Smart and Williams (1963).

when utility is enhanced.⁷ The willingness of mainstream economists to undertake such aggregation across individual persons is typically more limited, for deep-seated reasons explored further in the next section. Instead, they typically prefer to rely on Pareto comparisons (concerned with whether some individuals are better off and none worse off) or related efficiency criteria that do not require interpersonal comparisons of any kind. As we shall now see, this creates another conceptual divide between mainstream economists and human rights advocates.

Three. Subjective Individualism and Inter-Subjective Assessment

The object of valuation with which mainstream economists are typically ultimately concerned is the subjective preference satisfaction, or utility, experienced by individual persons. This subjective preference satisfaction is often viewed as being "revealed" by the choices of such persons and as being advanced by "general-purpose means" such as money. As noted above, utility is an "all things considered" measure of well-being which integrates different aspects of life into one aggregative assessment of satisfaction. Although classical utilitarians, and the tradition of political economists with which they were connected, were hospitable to the idea of interpersonal comparisons of such satisfactions, it is an idea which modern economists have tended to reject. In contrast, they have generally insisted that such interpersonal comparisons lack in an adequate normative or empirical basis, and have refrained therefore from undertaking them⁸. Instead, they have relied upon the Pareto criterion for evaluating changes in policies or institutional arrangements. Mainstream economists argue that applying this criterion enables many recommendations to be derived independently of interpersonal comparisons.

The insistence on the undesirability or impossibility of interpersonal comparisons implies, *inter alia*, that it cannot be meaningful to assert that a specific objective⁹ threshold (whether of resources, capabilities or achievements) should be deemed to correspond to minimal adequacy for any one human being (let alone for all human beings). Such an insistence would imply the possibility of interpersonal comparison that is denied, by tying the evaluation of individual persons' situations to objective external standards which are comparable across persons. Such external referents bring interpersonal comparisons in through a back door.¹⁰

⁷ The recent interest in multi-dimensional deprivation and poverty assessment provides another, very different, example in this connection. It is concerned with intra-personal aggregation but does not generally rely on subjective self-assessment. See e.g. Bourguignon and Chakravarty (2003) and Chakravarty and D'Ambrosio (2006).

⁸ Robbins (1932) famously represented such comparisons as involving normative judgments which could not be resolved by the scientific method. Although he insisted that "If we disagree about ends it is a case of thy blood or mine – or live and let live, according to the importance of the difference, or the relative strength of our opponents" and that "neither Economics nor any other science can provide any solvent" (p.150), he did concede that such judgments concerning "different men's satisfactions from similar means" might "be justified on grounds of general convenience" or "by appeal to ultimate standards of obligation" (pp. 140-141).

⁹ I shall use this concept as a synonym for 'inter-subjective' as I do not, for the present purpose, wish to commit myself to a highly specific view concerning the epistemic status of that which is commonly known or knowable.

¹⁰ Indeed, they introduce such comparisons in a particularly strong form, as they require a (possibly cardinal) measurable external counterpart to a specified level of individual 'utility'. Consequently, the framework for ordinal inter-personal comparison through extended orderings introduced by Arrow (1969) is informationally insufficient to provide a basis for activities such as poverty line construction, even if very valuable for other purposes.

On the mainstream economic view therefore, there can be no rationale (*internal* to the ordinal utilitarian framework of value) for insisting that a poverty line should take one value rather than another, or that a specific level of education, healthcare, or any other objectively identifiable good should be deemed to be minimally adequate. The inability for providing such a rationale within the subjective preference satisfaction centered informational basis of mainstream economics has led to various contortions in attempting to provide a case for such thresholds, especially in the arena of poverty measurement.¹¹ In fact, such a rationale cannot be provided without expanding the informational basis of individual well-being assessment to extend beyond subjective preferences to encompass inter-subjective (or indeed objective) assessments of well-being. There is in this respect a deep incompatibility between the normative framework of mainstream economists and that of human rights advocates. Among the most basic of the claims of the latter is that such thresholds can be defined for individual persons, and indeed for all persons ó as well as that they must be attained.

IV. Can Human Rights Advocates Learn Anything from Economists?

In arguing as I have done here that there are deep-seated *conceptual* underpinnings for the indifference, incomprehension or hostility of many mainstream economists to human rights concepts, I have not meant to suggest that there is nothing for scholars and practitioners of human rights studies to learn from economists. It is rather obvious that describing the degree of progress toward the fulfillment of economic and social rights, or determining how best to advance them, requires the descriptive and inferential contributions of the social sciences including economics. There are other, less obvious but also valuable, contributions that economics can make to the development of human rights studies.

One example involves the assessment of trade-offs in circumstances of incomplete rights fulfillment. A now widely accepted legal formulation is that human rights are "indivisible". This appears to mean, variously, that distinct human rights are to be deemed equally important, that it is impermissible to promote certain rights at the expense of other rights, or that distinct rights are causally interlinked so that the fulfillment of one advances the fulfillment of another.¹² The idea appears to have come to prominence as a way of combating the view that certain rights (e.g. civil and political rights) do enjoy special legitimacy or priority. Although this is a very understandable aim, the concept of indivisibility is, as already noted, ambiguous. Moreover, it is

11 Mainstream economists have usually attempted to defend the choice of specific poverty lines by implicitly adopting a cardinal conception of utility (emphasizing for instance the existence of 'kinks' in the utility function arising at a specific threshold of resources or by connecting the specified threshold of resources to the satisfaction of basic needs without seeking to provide an interpretation in terms of utility) while otherwise continuing explicitly to adopt the standard ordinal utility centered conception (See for example Ravallion (1992); contrary views are expressed by Sen (1983), Reddy and Pogge (2010)). A rare case of an economist willing to accept that a specific choice of poverty line has no internal justification within the accustomed framework is Deaton (1997) who goes so far as to write, "Poverty lines and poverty counts make good headlines, and are an inevitable part of the policy debate, but they should not be used in poverty evaluation. Perhaps the best poverty line is an infinite one; everyone is poor, but some a good deal more so than others, and the poorer they are the greater weight they should get in measuring welfare and in poverty evaluation" (p.144).

12 Fukuda-Parr (2009) for instance, writes that the principle of indivisibility "rejects the notion of hierarchy among rights" with "none being more important than another" (p.91).

not entirely clear that the concept is wholly tenable when taken in conjunction with other ideas to which human rights advocates are also committed. Consider the notion that human rights are to be progressively realized. This is often taken to mean that some allowance is to be provided for societies not to have to immediately fulfill rights if there are constraints (such as of resources) that impede such fulfillment, as long as they are making demonstrable efforts in the direction required.

What are the implications of subscribing to these two principles simultaneously? If there are two or more rights that cannot be immediately fulfilled due to resource limitations, then judgments may have to be made as to where resources should be incrementally employed. Does the indivisibility of rights imply that every additional unit of resources expended is always to be distributed evenly (however defined) across different rights-fulfillment goals? This would appear to be too strong a claim¹³. It would seem permissible to expend incremental resources very differently on different rights-fulfillment goals, even if it is mandatory *eventually* to secure fully all rights. The differential expenditure of incremental resources is, moreover, wholly consistent both with the idea that the *incremental* furthering of every right has value and with the idea that there are causal connections between different rights which give instrumental reason to take note of their interdependence.

A straightforward instance is that of existing gross imbalances in the extent to which different rights have been attained, in which case there may be normative reason to favor the incremental fulfillment of lagging rights even if one gives identical normative consideration to all rights. It is clearly possible to recognize the dependence of incremental valuations on existing achievements while treating rights *asymmetrically*¹⁴. The conclusion that prioritization in resource use may be permissible does not, however, *depend* on the presence of such imbalances. The causal connections between different rights can by themselves create a rationale for focusing on certain rights first, in order to achieve more of all rights later, even if there are no valuational reasons to prioritize the incremental furthering of certain rights over the incremental furthering of others.

Accustomed techniques of economic analysis can be used to help conceptualize the dependence of valuations of incremental attainments on the existing levels of all attainments, as well as the implications of such incremental valuations for investment plans.¹⁵ Such techniques can also be used to help conceptualize the implications of the presence of specific constraints for the pursuit

13 This conclusion is, accordingly, resisted by thoughtful human rights advocates. For instance, Fukuda-Parr (2009) asserts that the principle of indivisibility of rights “does not contradict the need to prioritize resource use” (p.93).

14 We sidestep here issues of measurement involved in providing ‘identical’ or ‘symmetric’ treatment. It is not at all obvious through what procedure one might assess qualitatively distinct rights as being fulfilled (or as falling short of fulfillment) equally.

15 In particular, the valuational apparatus of preference and utility theory can be useful in interpreting the relation between incremental valuations of specific attainments and levels of all attainments. For instance, it can be useful to interpret alternative incomplete rights fulfillment combinations in terms of level sets in the space of possible attainments. Correspondingly, production theory can provide a framework for interpreting optimal investment decisions. For instance, it can be useful to consider the possibility that there may be economies of scale or scope involved in the production of attainments. On this idea, see. E.g. Reddy and Heuty (2008a and 2008b),

of human rights fulfillment objectives, and to help understand the appropriate sequencing and timing of investments in order to achieve the objectives¹⁶.

As a general matter, human rights concerns will enter both into the framing of objectives and the identification of constraints. Normative constraints related to respect for human rights must enter alongside those derived from empirical facts such as resource limitations and causal relations. The metaphor of optimization subject to constraints has evident limitations -- but it may be helpful to explore its uses before transcending it.

In practice, public policy analysis is often undertaken using a narrow range of benefit cost analysis tools and other methods that depend on a very limited set of evaluative considerations. Rights considerations can have a very valuable role to play in such analyses, because of the restrictions as well as prescriptions they generate regarding action. It is unlikely that to declare that rights exist is in itself to provide guidance concerning the direction of public policy, narrowing the range of allowable public policies sufficiently to provide determinate recommendations. More likely, given a status quo, rights considerations can help to narrow the range of allowable changes to policies, while leaving a substantial plurality of alternatives¹⁷. The choice between the remaining alternatives will have to be made on the basis of *additional* normative considerations and relevant empirical assessments (in turn informed by social science and practical judgment). It is useful for human rights advocate to recognize that the incorporation of rights concerns into public policy analysis is likely to be action limiting, but not fully action-guiding.¹⁸ As importantly, public policy analysis can adequately serve normative aims (including that of human rights fulfillment) only if it is fueled by speculative imagination, needed to illuminate the range of possible and attainable worlds.

The fuller integration of normative (including rights) considerations with empirical analyses and speculative imagination can produce better economics and better human rights studies. The real point, however, is to create a better world.

16 On some issues related to the timing of multi-stage investments, see e.g. Marglin (1964) and Dore (1977)].

17 Barry and Reddy (2008) provides an example of the application of such reasoning to a specific case. See Sen (2009) for a portrait of normative reasoning of this general type.

18 On which see, e.g. recently, Balakrishnan and Elson (2008).

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