



Economics and Law in Conversation

## **Merging Socio-Economic Rights and Heterodox Economics: Emancipatory and Transformative Potentials**

Reflection Piece for the Economics and Law in Conversation Series  
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### **Introduction**

The Lab has been pleased to present the recent Economics and Law in Conversation Series, created with the central aim of discovering and deepening existing synergies between the two fields. Our series of three interviews have explored numerous theoretical and practical points of engagement, specifically between economics and human rights law. We deeply appreciate the rigour and enthusiasm with which our interviewees have participated in these Conversations. Radhika Balakrishnan set out the added value of human rights law to processes of economic policy-making, delving into issues of inequality, human rights auditing and technocratic versus democratic approaches to economic policy.<sup>1</sup> Margaret Somers mapped out the relationship between a critical sociology of human rights, the nature of citizenship and the structure of our political economy.<sup>2</sup> And finally, Ha-Joon Chang addressed the importance of law, history, morality and myth in developing an accurate understanding of how economic policy should fit within society.<sup>3</sup>

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<sup>1</sup> Radhika Balakrishnan in Conversation with Joshua Curtis, *Advancing Human Rights through Economics*, Series on Economics and Law in Conversation, Laboratory for Advanced Research on the Global Economy, Centre for the Study of Human Rights, LSE (January 2016), p. 4, [www.lse.ac.uk/humanrights/thelab](http://www.lse.ac.uk/humanrights/thelab).

<sup>2</sup> Margaret Somers in Conversation with Joshua Curtis, *Socially Embedding the Market and the Role of Law*, Series on Economics and Law in Conversation, Laboratory for Advanced Research on the Global Economy, Centre for the Study of Human Rights, LSE (March 2016), p. 19, [www.lse.ac.uk/humanrights/thelab](http://www.lse.ac.uk/humanrights/thelab).

<sup>3</sup> Ha-Joon Chang in Conversation with Joshua Curtis, *History, Law and the Myth of Economic Neutrality*, Series on Economics and Law in Conversation, Laboratory for Advanced Research on the Global Economy, Centre for the Study of Human Rights, LSE (July 2016), p. 2, [www.lse.ac.uk/humanrights/thelab](http://www.lse.ac.uk/humanrights/thelab).

Presently, the direct conversation between economics and law is heating up. Engagement between these two fields of rational enquiry and professional practice is becoming deeper, more complex, nuanced and intense. This debate is ranging over an ever widening expanse of issues and its effects are becoming increasingly material to political processes of governance. Although this engagement has traditionally been dominated by a far more forceful transference of ideas *from* economics *to* law we are beginning to see an increasingly principled and effective assertion of influence from the legal field. In many respects, this is a natural reaction to the over-extension and under-performance of neo-classical and neo-liberal economic theory.<sup>4</sup> For the last three decades this body of theory has dominated the economic field, while this field has in turn dominated society; systematically privileging markets, finance and abstruse mathematical conceptions of human life over social values of solidarity, distributive justice, substantive equity and democracy.

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Despite their significant erosion, many of these values remain set in certain aspects of legal principle and method. Human rights law is quite naturally a central source of such values, and within this body of law the theory and practice of socio-economic rights arguably offers the most penetrating challenge

to neo-classical and neo-liberal economics, best encapsulating a neglected social ethic. The specific debate between human rights and economics is therefore of particular interest. It has evolved mostly in the context of development economics. To date, it has ranged from an initial acceptance by key economists that some human rights beyond property rights (but initially restricted to negative rights to particular freedoms) are instructive and beneficial additions to economic theory,<sup>5</sup> to a deeper understanding of the importance and relevance of socio-economic rights and positive requirements on states to intervene in markets.<sup>6</sup> It has also evolved from the initial confusion of a narrow strand of mainstream economic theory with the whole discipline of economics *per se*, to a more nuanced appreciation and understanding of a variety of heterodox approaches to economics and their significant overlaps with the social values inherent in human rights.<sup>7</sup> The debate has moved beyond a ‘non-conversation’<sup>8</sup> towards a deeper conception of the precise ways in which human rights can

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<sup>4</sup> Despite differences in the scope of the terms ‘neo-classical’, ‘neo-liberal’ and ‘mainstream’, for the purposes of this short piece they will be used interchangeably to designate the current orthodoxy in the discipline of economics broadly speaking.

<sup>5</sup> Amartya Sen, *Development as Freedom* (Oxford University Press, Oxford, 1999).

<sup>6</sup> Philip Harvey, ‘Human Rights and Economic Policy Discourse: Taking Economic and Social Rights Seriously’ 33 *Columbia Human Rights Law Review* (2002); Varun Gauri, ‘Social Rights and Economics: Claims to Health Care and Education in Developing Countries’, World Bank Policy Research Working Paper no. 3006, World Bank Development Research Group Public Services, March 2003.

<sup>7</sup> See, Radhika Balakrishnan, ‘Exploring Collaborations: Heterodox Economics and an Economic Social Rights Framework’ 13 *Feminist Economics* 1 (2007); Radhika Balakrishnan and Diane Elson (eds), *Economic Policy and Human Rights: Holding Governments to Account* (Zed Books, London, 2011).

<sup>8</sup> Sanjay Reddy, ‘Economics and Human Rights: A Non-conversation’ 12 *Journal of Human Development and Capabilities* 1 (2011).

inform economic policy processes<sup>9</sup> and supplement the inescapable value judgements that are necessary, though often unacknowledged, in any economic calculation.<sup>10</sup>

It is an even closer focus on relations between socio-economic rights and heterodox or alternative economics that has emerged as the major frame of reference in our series of Conversations. There was a clear consensus among all participants that these two subfields, properly defined, have much in common, but also offer each other a highly complementary

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set of new and enriching perspectives and arguments. As an overarching take-away, our series of Conversations send a clear message that a great deal could be gained from further in-depth study on the intersection between heterodox economics and socio-economic rights.

Currently, socio-economic rights and heterodox economics are both marginal elements within their respective fields, i.e. the fields of human rights and economics as such. Both of these elements are disfavoured and out of sync with dominant orthodoxies currently ascendant within their broader field. Both challenge current priorities that privilege the market and market actors, and are accused of lacking 'realism' or 'implementable' policy programmes. However, as central as the fields of human rights and economics are to our global order, they each find themselves today under intense critique and in something of a general crisis. On the one hand, economics, as a field that did nothing to avert let alone predict the 2008 global financial collapse, is deeply discredited, and on the other hand human rights are regularly charged with either ineffectiveness or complicity in the context of an unjust and

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inequitable political economy. Both human rights and economics now need to adapt to ever louder demands for equitable growth and models of socio-economic development that enhance rather than compromise social justice. Given their evident alignment with such demands, these marginal elements are receptacles of hope for the future rehabilitation of each field.

Yet their combination, in a joint process of rehabilitation based on mutual compatibility, suggests greater possibilities. We have the opportunity to rehabilitate each field in an integrated manner, (re)building them up together and offering the chance of a more coherent, stable and sustainable

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<sup>9</sup> Andrew Lang, 'The Role of the Human Rights Movement in Trade Policy-making: Human Rights as a Trigger for Policy Learning' 5 *New Zealand Journal of Public International Law* (2007); Radhika Balakrishnan and Diane Elson, 'Auditing Economic Policy in the Light of Obligations on Economic and Social Rights' 5 *Essex Human Rights Review* 1 (2008).

<sup>10</sup> Margot Salomon and Colin Arnott, 'Better Development Decision-making: Applying International Human Rights Law to Neoclassical Economics' 32 *Nordic Journal of Human Rights* 1 (2014); Dan Seymour and Jonathan Pincus, 'Human Rights and Economics: The Conceptual Basis for their Complementarity' 26 *Development Policy Review* 4 (2008).

mode of social organisation. Building on natural synergies between these marginal elements, it would seem possible to reimagine each field and the relations between them, enabling a response to the present lack of faith in both economics and human rights, and a closer approximation to their original promises of actual human emancipation and social transformation. Socio-economic rights and heterodox economics would certainly seem the most potentially reformative if not revolutionary aspects of their respective fields. Their combination could generate truly new thinking, creating a bridge that will tie the two fields more closely together into a joint force capable of realising a more humane and coherent socio-economic practice that delivers relevant and powerful alternative approaches and policies.

Our three interviewees all come from a loosely-defined heterodox perspective on economics, and have engaged deeply with the themes presented. Thanks to their commitment these Conversations have provided an extremely rich set of ideas and insights. Within the overarching frame of reference just outlined, the following brief summary will serve simply to collate some of the major lessons learned from this exercise, and draw out some of the more prominent strands in an effort to identify signposts in the search for a joint discourse on law and economics for social justice.

### **Common foundational elements at the intersection of heterodox economics and human rights**

A shared narrative through all of the interviews centred on a grounding *common ethical commitment to moral principles and socio-economic justice*, which informs the basic aims and approach of both human rights and heterodox economics at the most elementary level. Radhika Balakrishnan refers to a “special ethical concern” that forms the “bedrock of communication” between the two,<sup>11</sup> Ha-Joon Chang speaks of a common “moral core”,<sup>12</sup> and Margaret Somers emphasises shared dependence on a basic “political economy of moral worth”.<sup>13</sup> Although in reality it cannot escape the necessity of frequent (and frequently hidden) value judgements, mainstream economics has nevertheless attempted to define itself as a ‘neutral science’ devoid of imprecise and inherently subjective ethical reasoning, aside from a narrow concern with aggregate utility. Most heterodox economists, on the other hand, openly embrace the inevitability of taking a far broader ethical stand and affirm the foundational role of morality in sound economics.

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Meanwhile, human rights wears its morality on its sleeve. However, where the class of human rights is identified with civil and political rights only, which is often the case, many rightly criticise what is effectively a stunted ethical commitment to a small set of formalised individual freedoms that leave the larger injustices of market society and a weak or recalcitrant state unchallenged. Socio-economic rights are of great value here, to expand and give greater substance to the moral scope of human

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<sup>11</sup> Radhika Balakrishnan in Conversation, supra note 1, p. 4.

<sup>12</sup> Ha-Joon Chang in Conversation, supra note 3, p. 2.

<sup>13</sup> Margaret Somers in Conversation, supra note 2, p. 19.

rights. Moreover, the set of ethical concerns that preoccupy socio-economic rights theorists and activists closely track those of heterodox economists, such as distributional equity and the nature of structural arrangements.

This foundational ethical underpinning leads to a shared focus on macro-level social and economic structures, which may be missed by either a narrow concern with civil and political rights within the human rights framework,<sup>14</sup> or by a mainstream economic preoccupation with micro-level interactions between individual utility maximisers within a market ideally ‘free’ from external structuring or intervention.<sup>15</sup> In turn, this macro-perspective prompts a mutual concern with state structures; the degree to which they facilitate an empowered civil society through active intervention in markets, provide safety nets for the marginalised, and reinforce and expand democratic participation.<sup>16</sup> As Chang points out, this facilitates an importantly broad institutional perspective, whereby the market is repositioned as just one institution among many in society, including a number of others deserving equal or greater power in many contexts.<sup>17</sup>

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All of this serves to reorient fundamentally the hierarchy of de facto values by which we order society. Controlling norms of individual market freedoms, and a process of valuation based on ultimate monetary denomination to satisfy the pervasive price mechanism, are demoted (though not discarded) to account for a far broader and more structural set of values capable of realising collective and public goods. The boundaries of the market are wound back.

Closely connected to this reorientation of values and redefinition of ‘market space’ is a *common drive to move away from the idea of technocratic economic policy solutions*. As stated most clearly by

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Balakrishnan, both human rights and heterodox economics are “aimed at broadening out possibilities for the design of economies ... [and] opposed to the limiting political dynamics of mainstream economic thinking, embodied in the well-known acronym ‘TINA’, espousing the politically paralysing illusion that ‘there is no

alternative”<sup>18</sup>. Both fundamentally challenge the aforementioned pretensions of economics to the mantle of natural science. They lead us instead towards ‘TINTA’, as Balakrishnan aptly puts it, the open acknowledgement that “there is no technocratic answer”<sup>19</sup>. Far from placing debilitating or ‘undemocratic’ restrictions on the legislature, as some detractors argue, a focus on rights serves to

<sup>14</sup> Ibid, pp. 7-9.

<sup>15</sup> Radhika Balakrishnan in Conversation, supra note 1, p. 2.

<sup>16</sup> Margaret Somers in Conversation, supra note 2, pp. 15-16.

<sup>17</sup> Ha-Joon Chang in Conversation, supra note 3, pp. 6-7.

<sup>18</sup> Radhika Balakrishnan in Conversation, supra note 1, p. 4.

<sup>19</sup> Ibid, p. 5.

open up the black box of economic policy-making. As a complement, heterodox economics leads us away from singular ideological visions of universally applicable economic designs, to a more realistic appreciation of relative and productive diversity. The deeper concern for empirical grounding in heterodox economics, its general scepticism of mathematical modelling and its self-aware situation of economics as no more than an equal within a deeply interconnected web of social sciences, points us to a level of humility and a recognition of fallibility that encourages widespread debate, local expertise and alternatives.

The equal focus of human rights on process *as well as* outcome is particularly valuable in this regard, whereby positive economic ends cannot justify rights-denying means. This is especially so when the projected positive ends are extremely indirect, highly contingent and temporally indefinite, as with the (now discredited) mainstream ‘trickle-down’ theory of redistribution. This perspective helps to avoid the drawbacks of a tendency towards strong consequentialism in economics, and to pre-empt and expose unrealistic ‘promises’ made by economic theories that are based on a series of false assumptions and an absence of empirical evidence.<sup>20</sup> As Somers relates, human rights and heterodox economics provide a reality check that, in the tradition of Polanyi, can break the spell of an enchantment with ‘elegant’ or ‘utopian’ theorisation, which offers little more than delusion due to its prior divorce from actual social life.<sup>21</sup>

**CHANG’S WORDS SOUND LIKE A CLEAR BELL WHEN HE STATES THAT “ECONOMICS IS POLITICS”. HE STRESSES THE NEED CONSISTENTLY TO DENY THE AUTONOMOUS EXISTENCE OF SOME FIELD OF REALITY CALLED THE ECONOMY**

In the same vein, Chang’s words sound like a clear bell when he states that “economics *is* politics”.<sup>22</sup> He stresses the need consistently to deny the autonomous existence of some field of reality called the economy, which is subject to its own set of laws and separate from other areas of reality where society or politics may be located. Chang is justifiably at pains to lay this idea bare, as simply impossible, illogical and invalid. He is therefore sceptical of formulations in which we describe a current dominance of ‘the economy’ over ‘politics’ and ‘society’, and then seek to rebalance this order such that through ‘politics’ we seek to establish the dominance of ‘society’ over ‘the economy’. This is already to concede a separation that does not exist, and serves to harden the fictitious perception of an independent economy, a notion that is evidently easy for us to fetishise. Conceptually and theoretically, the merging of human rights (especially socio-economic rights) and heterodox economics helpfully reflects the irreducible interlinkage between all of these areas, serving to counteract claims of privileged expertise and associated tendencies towards technocratic governance.

### **New political and institutional spaces for (de)legitimising economic policies**

Another important strand that emerged from our series of Conversations is a better appreciation of the utility of human rights institutions, and a more strategic understanding of their position in an overall network of institutions that influence economic policy. This reflects Chang’s general emphasis on the importance of institutions and the broader social debates that may be played out in them.

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<sup>20</sup> Margaret Somers in Conversation, supra note 2, p. 2.

<sup>21</sup> Ibid, p. 4.

<sup>22</sup> Ha-Joon Chang in Conversation, supra note 3, p. 6.



Human rights institutions<sup>23</sup> may serve two closely related functions in this regard. First, they can provide entry points for heterodox economic arguments that serve to destabilise or delegitimise mainstream economic hegemony. From this perspective, as Baklkrishnan notes, “the human rights frame provides actual bodies that you can go to and argue your case, where you have an ethical normative framework that you can argue from”.<sup>24</sup> Over the last decades we have witnessed an expansion of such institutions, including those particularly devoted to furthering socio-economic rights, as epitomised by the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in 2013 providing for an individual complaints process. These

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institutions form a crucial aspect of the Polanyian ‘double movement’ that Somers explicates in terms of our present situation, seeking to re-embed markets in the social matrix.<sup>25</sup>

Although, even with these institutions enjoying greater numbers and prominence, progress is not guaranteed to be linear,<sup>26</sup> and constant efforts are required to

ensure that their counter-hegemonic potential is realised. Here their second function is important. These institutions provide quite conducive arenas where the amalgamation of human rights law and heterodox economic precepts and policies can be tested, and, through the testing, refined into an increasingly detailed, mutually supportive and coherent whole. In short, these are the crucibles of relatively controlled and favourable environment in which the amalgam can be purified and hardened into a strongly unified rationale or framing discourse that would inevitably have greater force in other more hostile institutions and contexts. There are growing expectations on policymakers in such contexts to account for *well-formed* human rights arguments that in many instances would benefit greatly from joining forces with heterodox economic perspectives.

**Human rights are not economically neutral ...**

Contrary to those who seek a de-politicised refuge in human rights law, there was a clear consensus that human rights are not economically neutral. This conclusion is perhaps clearer, if not obviously inescapable, in the case of socio-economic rights. However, it is just as clear that core civil and political rights have distinct economic consequences. Indeed, from the position above, most forcefully articulated by Chang, to the effect that there is no valid distinction between the economic and the social, it must be concluded “that law itself cannot be economically neutral, neither economic law nor human rights law”, because the construction of law is an inherently social, and therefore economic, enterprise.<sup>27</sup> Human rights as such provide a workable metric for evaluating economic policies. Yet, neither are they *completely* prescriptive. Human rights allow for a range of economic modes by which rights can be respected and fulfilled, within certain limits. Therefore, theoretically, human rights may

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<sup>23</sup> Including human rights treaty bodies, specialised courts, UN mechanisms, national and regional ombudspersons, and domestic courts interpreting human rights claims, among others.

<sup>24</sup> Radhika Balakrishnan in Conversation, supra note 1, p. 6.

<sup>25</sup> Margaret Somers in Conversation, supra note 2, pp. 8-9.

<sup>26</sup> Paul O’Connell, ‘The Death of Socio-Economic Rights’ 74 *Modern Law Review* 4 (2011).

<sup>27</sup> Ha-Joon Chang in Conversation, supra note 3, p. 6.

be neutral with respect to a certain range of economic policy choices, but not with respect to all possible economic policies.

As Somers states, a Polanyian analysis describes a series of cycles whereby markets, following inherent capitalist logic, constantly attempt to remove themselves from social control and contextualisation, and where they succeed are again brought back into context and under control through mechanisms of social embedding, only to repeat the process all over. Discussions of the economic determinacy of human rights raise the question of the degree to which, if they were given sufficient force through implementation and institutionalisation, they could act as a permanent bulwark against recurrent market dis-embedding and its attendant social destruction. Interestingly, Somers answers this key question generally in the affirmative, albeit cautiously so, being well aware of the weight of established interest that is opposed to the necessary implementation and institutionalisation of rights, especially socio-economic rights.<sup>28</sup> There would seem to be reasonable hope that an extra legal barrier might help to dampen the vicious swings of capitalism. However, the fundamental interdependence of human rights here is key. Socio-economic rights and civil and political rights must be equally institutionalised. “The two sets of rights will ultimately either stand together or fall apart”, and only “a combination of these rights and political vigilance and activism will ensure that the market is kept in check”.<sup>29</sup>

... and economics is never normatively neutral

What is less discussed, but deserves constant repetition, is the corollary that economics cannot be normatively neutral. This flows directly from

Chang’s declaration that economics is politics. “If economics itself is socially constructed and cannot be isolated, then it cannot be politically neutral”,<sup>30</sup> and given that social norms are inseparable from politics, then our economy itself is fundamentally a normative creation. As mentioned previously, a strong theme through all our Conversations demanded that the consistent pretence of mainstream economics to an ascendance beyond the normative realm to the level of pure science must be equally consistently debunked. For this reason, Chang makes a call for all those giving economic advice to make their normative standpoints explicit and clear: “This is the only correct way, I think, to exercise an ethical responsibility that any specialist has when talking to policymakers in particular. We have specialised knowledge that is useful, but we must be clear about the ethical background from which the advice is given”.<sup>31</sup>

**A STRONG THEME THROUGH ALL OUR CONVERSATIONS DEMANDED THAT THE CONSISTENT PRETENCE OF MAINSTREAM ECONOMICS TO AN ASCENDANCE BEYOND THE NORMATIVE REALM TO THE LEVEL OF PURE SCIENCE MUST BE EQUALLY CONSISTENTLY DEBUNKED**

## Looking forward

Given common agreement that in terms of realising a positive change to our world a theoretical and practical incorporation of heterodox economics and human rights law would be a significant step in

<sup>28</sup> Margaret Somers in Conversation, supra note 2, pp. 6-9.

<sup>29</sup> Ibid, p. 10.

<sup>30</sup> Ha-Joon Chang in Conversation, supra note 3, p. 6.

<sup>31</sup> Ibid, p. 3.



the right direction, we can glean some indicators for the way forward. From a human rights perspective, there is ***a need to complicate the category of heterodox economics***, to better appreciate which specific schools of economics are most productively engaged with, and which combinations may be employed most productively within differing contexts or forums. Chang notes the danger in this imprecise, unstable and eternally relative category of *heterodox* economics, and affirms a need to

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“be careful from what perspective we call something heterodox”.<sup>32</sup> Certain schools of economic thought that may be classed as heterodox may not necessarily complement human rights. He points to the most useful synergies being drawn from those schools which recognise explicitly “that individuals are socially formed, and that in that formation institutions indirectly, and politics more directly, play a large role”.<sup>33</sup> He specifies the

Keynesian and Marxist traditions. Balakrishnan emphasises feminist, post-Keynesian and Marxist schools.<sup>34</sup> Somers champions Polanyian insights and also refers to Marx and T.H. Marshall, similarly emphasising economic schools that recognise the ‘reality of the social’.<sup>35</sup>

Directly related to this point is ***a need to change the educational environment in economics and human rights law***, and efforts to encourage more systematic knowledge transfer across the disciplinary divide. It is a recurrent criticism of economics in the academy that the discipline has become far too narrow and mathematically obsessed. Many of the alternative schools of economic thought just mentioned are either simply not taught or are glossed over and relegated to the irrelevant past, before the advent of ‘modern’ mainstream economics. The past itself has all but disappeared from most current courses in economics, where the history of economic thought is considered esoteric

**ONE COULD EVEN ENVISAGE COURSES ON THE ECONOMICS OF HUMAN RIGHTS. BUT, EDUCATION IN HUMAN RIGHTS LAW ALSO NEEDS TO CHANGE**

and of little value. Furthermore, the discipline itself has become isolated from all other social sciences. It is no wonder, under these circumstances, that economists as a whole turn a cold shoulder to any involvement with something so social and obviously normative as human rights law.

As all our interviewees agree, this educational context needs to be radically changed, such that broader social, cultural, historical and anthropological perspectives have their proper influence on economic thought, bringing reality and ethics closer to economic theory, and essentially socialising what has in a sense become an ‘autistic’ discipline.<sup>36</sup> In fact, there are now widespread student movements demanding such reform.<sup>37</sup> One could even envisage courses on the economics of human rights. But, education in human rights law also needs to change. In far too many courses on human

<sup>32</sup> Ibid, p. 8.

<sup>33</sup> Ibid.

<sup>34</sup> Radhika Balakrishnan in Conversation, supra note 1, p. 4.

<sup>35</sup> Margaret Somers in Conversation, supra note 2, p. 5.

<sup>36</sup> Ha-Joon Chang in Conversation, supra note 3, p. 3.

<sup>37</sup> Ibid.

rights, especially within law schools, there is either no substantive reference to socio-economic rights or these rights are implicitly and systematically downgraded with respect to civil and political rights. This is epitomised in the widespread use of the fundamentally misleading categorisation of ‘first, second and third generation rights’ as a lazy heuristic device. The teaching of human rights needs to be substantively rehabilitated to meet the rhetorical commitment to indivisibility and interdependence of rights. In addition, we must ask whether it is sensible to teach students about socio-economic rights, or indeed all human rights, without also teaching them the basics of economics and alerting them to the deep interplay between the disciplines of law and economics, as is customary today.

Finally, broadening from the point made above regarding new political arenas for debating economic policies, our Conversations have indicated *the need to better utilise human rights bodies and other institutional spaces for contesting economic orthodoxy* by implementing and refining a joint human rights and heterodox economic rationale. In addition to longstanding calls for the regular conduct of formal human rights impact assessments with respect to key economic policies, Balakrishnan and Elson have provided a method of ‘auditing’ economic policy according to human rights standards that could be used more consistently and productively in these spaces.<sup>38</sup>

**[THERE IS] A PRESENTLY “ACUTE CHALLENGE ... FOR HUMAN RIGHTS LAWYERS TO TRANSLATE THESE ‘ECONOMIC HARMS’ INTO HUMAN RIGHTS HARMS”**

Whether an auditing approach or an impact assessment approach is taken, there seems to be agreement on the need for a structural focus on standards of due diligence, with respect to state and non-state actors, in avoiding foreseeable negative impacts on rights. As well as the specific human rights bodies mentioned above, these methodologies may be increasingly employed by national human rights institutions, which are often well placed to review the local effects of economic policies. Again at the local level, Balakrishnan points to the possibilities for penetration of our joint rationale within cities and other municipal bureaucracies, following the lead of San Francisco for example, which passed the Convention on the Elimination of Discrimination against Women as a local ordinance in 1999.<sup>39</sup> Turning to relations between states, Chang endorses efforts to employ a joint rationale of heterodox economics and extraterritorial human rights obligations within negotiating spaces on international economic agreements, “as a way of putting the brakes on many harmful practices at the international level”.<sup>40</sup> Although he does acknowledge a presently “acute challenge ... for human rights lawyers to translate these ‘economic harms’ into human rights harms”,<sup>41</sup> it is a challenge that itself indicates another productive way forward.

All in all, our series of Conversations has confirmed that debates over economic policy and the role of human rights therein need to be significantly broadened, with deeper attention to the constructive synergies of presently marginal elements within each field. To this end, it has given a taste of the reformative scope and potential benefits of a broader and more concerted effort among heterodox economists and human rights practitioners to theorise and implement a joint discourse in the service of socio-economic justice.

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<sup>38</sup> Radhika Balakrishnan in Conversation, supra note 1, pp. 8-9.

<sup>39</sup> Radhika Balakrishnan in Conversation, supra note 1, p. 7.

<sup>40</sup> Ha-Joon Chang in Conversation, supra note 3, pp. 10-11.

<sup>41</sup> Ibid, p. 11.

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