

Introduction: Human Rights and Economic Inequality

Background

Socioeconomic inequality has been called “the defining challenge of our time,” and “the root of all social evil.”¹ Inequalities in income and wealth are growing, and quite clearly affect human rights. They powerfully determine who can avoid harm and reap profits from human rights violations as well as who will bear the cost of and suffer from ongoing harms. But might human rights also affect persistent inequalities? Might they provide useful tools for ameliorating economic inequality? Might they sometimes exacerbate it?

These are some of the questions we posed to the interdisciplinary group of contributors to this dossier.² We acknowledged that international human rights law and discourse have long focused, at least in principle, on the promotion of what is often termed “status equality,” by prohibiting discrimination on the basis of numerous attributes including race, nationality, religion, and sex. More recently, the prohibition has been extended to areas such as disability and sexuality. Notwithstanding the inclusion of property and birth in the Universal Declaration’s list of prohibited bases of discrimination, some have argued that human rights law and discourse have largely remained inattentive to inequalities of wealth and income—within countries, among countries, and globally.³

To the extent that economic issues have entered the human rights arena, the argument goes, they primarily have done so with the aim of poverty reduction, through the deployment of social and economic rights, and the right to development. Moreover, by some accounts, these approaches not only remain on the margins of human rights but also are often embedded in prescriptions for development that focus on economic growth, and neglect the distributive consequences of that growth. To the extent that human rights concentrate only on achieving minimum standards for a dignified existence, they may well ignore the growing distance between the poor and the wealthy.

A focus on economic inequality therefore calls for attention to more than poverty reduction or even elimination; it requires interrogating the neoclassical economic and neoliberal paradigms for producing growth. It demands consideration of the structural causes of the maldistribution of wealth, income, and access to resources, both within and among countries. If human rights law, movements, and discourses are to address economic inequality, they will need to attend to the distributional consequences of globalized markets. They will have to engage with international and national policy choices around issues such as natural resource governance, labor, social protection, sovereign and personal debt, austerity, and taxation.⁴

Rather than offering a set of legal and other prescriptions for combatting inequality, might human rights even be part of the problem?⁵ Some scholars have highlighted that the

beginning of the recent sharp increase in inequality in the mid-1970s coincided with the period in which the contemporary international human rights movement emerged. Is their concurrent rise a mere historical coincidence, or is there a more causal relationship between these two trends?⁶ Regardless of whether they are causally linked, should human rights movements, institutions, and discourses attempt to become central to calls for distributive justice? Might the promotion of human rights approaches to these problems foreclose other, perhaps more useful, vocabularies and strategies for economic justice?

We posed these questions in a context already marked by the global financial crisis and renewed attention to an increase in austerity policies around the globe.⁷ Global inequalities allowed powerful countries to impose harsh, immiserating policies on weaker countries; in turn, the crisis and these policies sharply increased inequality within countries. At about the same time, Thomas Piketty's surprise bestseller, *Capital in the Twenty-First Century*, used empirical evidence to galvanize attention to increased inequality of income and wealth over the past fifty years, within even the wealthiest countries.⁸ Key religious and political leaders joined in. As noted above, President Obama deemed inequality "the defining challenge of our time;"⁹ Pope Francis labeled it "the root of all social evil."¹⁰

Notwithstanding this public attention to and condemnation of inequality, statistics paint a picture of growing extreme inequality, among countries as well as within them. In 2016, the news reported that the richest sixty-two people in the world possessed the same wealth as the poorest half of the world's population. A year later, Oxfam released a report showing that a mere eight men possessed the same wealth as the poorest 3.6 billion people. As Mark Goldring, chief executive officer of Oxfam, reflected: "Last year we said we would have needed a double-decker bus to transport the 62 people we thought owned the same as the poorest 3.6 billion on the planet. In 2017, thanks to more accurate data, we find that in fact this group would fit in a single golf buggy."¹¹

Not surprisingly, human rights scholars and advocates began to ask what we might have to contribute to the discussion. If strands of critical human rights scholarship, especially from and in relationship to the Global South, had for some time interrogated the complex relationship between rights and distributive justice, the contemporary popular attention to inequality offered the mainstream human rights movement an opportunity also to contend with issues of distributive justice.¹²

Among United Nations human rights mechanisms, the mandate on "extreme poverty and human rights" played a leading role in focusing attention on inequality. In 2014, Magdalena Carmona Sepúlveda, who was then the Special Rapporteur on the theme, issued a report that described the reduction of economic inequality as a "crucial goal."¹³ It focused specifically on the role of tax policy as a "critical tool" for realizing human rights and addressing economic inequality, with much of its analysis addressed to international financial organizations. The subsequent mandate holder, Philip Alston, released a report in 2015 dedicated to the issue of human rights and inequality. There he argued that extreme poverty is "directly related" to extreme inequality and wealth and income distribution within countries, and moreover that "extreme inequality and respect for the equal rights of all persons are incompatible."¹⁴

Human rights scholarship on inequality also closely followed on the global financial crisis, and on the ensuing critiques of resulting austerity measures. Greece figured as a

prominent example, as some human rights scholars argued that the austerity measures imposed by regional and international financial institutions were increasing poverty and inequality within the country.¹⁵ Of course, the dynamic that Greece experienced was not new for people in many parts of the world, but the fact that such financial coercion was now visibly affecting countries of the Global North drew attention to the issue. Balakrishnan Rajagopal articulated the parallels between Europe and the rest of the world in the *Huffington Post* with a piece aptly titled “Greece: Welcome to the Third World and Here are Some Lessons.” He concluded the piece by pointing to resistance movements across the Third World that are “united by a common thread—that the rule of capital over humans must end if democracy is to mean anything at all.”¹⁶

Rajagopal simply noted the presence of resistance movements, without suggesting that they identified as human rights movements or made any use of the language and tools of human rights. Still, the question of whether human rights could or should attempt to respond to economic inequality was already becoming a matter of discussion among human rights scholars and practitioners.¹⁷ A lively debate ensued, both in an Amnesty International Netherlands publication and on the blog *Open Democracy*, highlighting the diversity of views on how inequality and human rights intersect and the possibilities and limitations of rights discourses to promote distributive justice.¹⁸ Some of that debate was sparked by Samuel Moyn, who participated in both fora, claiming that human rights have been a “powerless companion of market fundamentalism” because “they simply have nothing to say about inequality.”¹⁹ As he would later explain in *Not Enough: Human Rights in an Unequal World*, it is not that human rights have had nothing to say about material wellbeing, but rather that, “to the extent that human rights morality and law decree economic and social protections, locally or globally, it is a guarantee of sufficient provision, not a constraint on inequality” that they mandate.²⁰ This focus on sufficiency, in his view, misses the separate problem of inequality.

Moyn’s “powerless companion” argument is partly a response to Susan Marks, who has argued that human rights law and discourse were complicit in the rise of neoliberalism.²¹ Moyn acknowledges that the modern human rights movement rose simultaneously with neoliberalism, but sees human rights as merely incapable of responding to neoliberalism rather than as a cause of it.²² Largely siding with Marks’ view, Jessica Whyte suggests that Moyn’s assessment is “too modest.” Highlighting how some humanitarians “explicitly mobilised the language of human rights in order to contest the vision of substantive equality that defined the Third Worldist project and the [New International Economic Order],” she concludes that human rights “were not powerless companions to the rising neoliberals but active, enthusiastic and influential fellow travellers.”²³

In some ways, Moyn’s position is similar to that of Upendra Baxi who, for some time, has critiqued the increasing compatibility of globalized markets with an emerging paradigm of “trade-related, market-friendly human rights.” For Baxi, however, that inattentiveness is not due to an insistence on sufficiency. Rather, he argues, the human rights focus on suffering has been supplanted by a more market-enabling focus: Human rights have turned to the “promotion and protection of the collective human rights of global capital in ways that ‘justify’ corporate well being and dignity even when it entails

the gross and flagrant violations of human rights of actually existing human beings and communities.”²⁴

Although they are all critical of the human rights movement’s treatment of economic inequality, Marks, Moyn, and Baxi in fact represent a wide range of critiques. For Marks, human rights have been partly responsible for inequality; for Moyn, human rights are powerless in the face of inequality and should be abandoned as a means to achieving equality; and for Baxi, while the emergent human rights paradigm risks foregrounding the human rights of global capital, activists and dissenting academics, by advancing peoples’ struggles and the “voices of suffering,” might be able to reclaim human rights futures, possibly transforming human rights into an effective arena of struggle against economic inequality.²⁵

As this discussion and the various articles in the collection we introduce here suggest, the scholarly conversation about the relationship between human rights and inequality includes some significant disagreements. That said, few active in the conversation argue that sufficiency is enough. Rather, disputes tend to be about whether human rights law, or other law and policy invoked by human rights advocates, are up for—or even necessary to—the task of addressing inequality. While some have argued that the doctrines, discourse, and machinery of human rights might be ineffectual at responding to, or even complicit in maintaining, the institutions and arrangements that create and sustain inequality among and within countries, most of the authors in this dossier are more optimistic than that.

The Dossier

This collection intentionally includes an international range of scholars and advocates from and engaged with a range of disciplines—law, economics, anthropology, literature—all over the world. The contributors agree that inequality is an urgent problem, and suggest that greater distributive equality—not merely sufficient provision—should be the aim. Moreover, all of the contributions demonstrate that thinking about economic questions of distribution together with questions of rights claims yields valuable insights—a matter to which we shall return in the conclusion. As a whole, the dossier provides an opportunity to distinguish among different types of, and perspectives on, economic inequality and rights. In what follows, we offer a brief descriptive overview of inequality and how the various authors engage with the concept. The discussion then turns to the ways authors have engaged human rights frameworks in their contestations of inequality.

Perspectives on Inequality

The term “economic inequality” covers a wide range of potential measures and issues, which can risk leading to discussions and debates in which participants speak past each other. As James Galbraith reminds us in his contribution to the collection, “The examination of economic inequality and its political, social, and psychological effects is . . . a perilous business.”²⁶

To begin with, one must be specific about whether one is engaging questions of inequality within countries, among countries, or among individuals globally.²⁷ Moreover, from each of these contexts, further questions emerge. In considering inequality among countries, for example, measures of inequality that are weighted for population will differ

from those that are not. Further, those who rely on a population-weighted average often conclude that intercountry inequality is decreasing—albeit at the expense of higher inequality within wealthier countries.²⁸ Critics, however, counter that population-weighted measures are largely driven by the income growth in just two countries (albeit the two most populous of the world), China and India, and that, overall, developed countries continue to grow faster than developing countries. But measures that are not weighted are distorted by the fact that small countries like Luxembourg contribute just as much as either of those two giants to the overall average. Indicators also differ depending on whether they measure gross domestic product, gross national product, or per capita income adjusted to reflect purchasing power parity.

Whether they are comparing within or among countries, or globally, approaches that measure income inequality vary from those that focus on wealth. Still others prefer to look at neither wealth nor income, nor even to attempt to measure inequality, but concentrate instead on a more contextualized notion of “capabilities.”²⁹ Perspectives also vary on what level or degree of economic inequality is considered problematic, with many commentators tolerating some level of economic inequality but condemning *extreme* inequality.³⁰

Beyond questions of measurement, opponents of inequality often disagree on the reasons to oppose it. While some see inequality as an intrinsic—even moral—problem, others are concerned about it for purely consequentialist reasons—noting, for example, the impact of inequality on other values, ranging from democracy and the ability to satisfy basic needs to interpersonal relationships and political stability.³¹ Relatedly, the nature and valence of concerns about economic inequality often differ depending upon how the wider political context is understood: growing inequality in a context of reduced poverty primarily raises questions about the harm of excessive wealth concentration, while growing inequality in a context of increased poverty raises more acutely concerns about processes that cause both impoverishment and unequal accumulation.³²

Many of the contributions to the dossier concentrate on inequality within countries in a global context. Dennis Davis’s consideration of the role of tax policy in responding to the unequal distribution of income in South Africa, for example, argues for the need for global regulatory and policy changes to bring about more equitable income distribution within the nation state. Galbraith uses post-austerity economic inequality in Greece to make an argument that debt, especially that held by foreign banks, is a major structural cause of inequality. Both authors draw upon their own work in those countries—Davis as chair of the Davis Tax Committee in South Africa and Galbraith as advisor to (now former) Minister of Finance Yanis Varoufakis.³³ Neville Hoad situates his analysis of the relationship between inequality and human rights within the national context of post-apartheid South Africa and focuses on the activism and mode of politics of two different groups in that country. However, in considering “inequality” and “human rights” as two different “discursive realms” with different ways of alluding to and representing justice, Hoad also draws on a global repertoire of authors, and situates the problem of inequality in a broader global context.

Other authors, while less geographically specific in their focus, nevertheless argue that human rights should be used to reduce inequality within countries. Rodrigo Uprimny Yepes and Sergio Chaparro Hernández contend that current international human rights institutions, particularly the Committee on Economic, Social and Cultural Rights

(CESCR) on which Uprimny serves, are capable of using economic and social rights to combat inequality within countries. Richard Falk calls for a new human rights declaration on economic inequality, still aimed at inequalities of income and wealth within countries.

Still other authors in the dossier focus on inequality among countries as the main ongoing issue of inequality to be addressed. Julia Dehm and Antony Anghie both revisit calls for the New International Economic Order (NIEO) in the 1970s. Dehm examines how demands for the NIEO were taken up in some of the human rights discussions of the period, and thus points to the possibilities of a different vision of human rights—one that could possibly be more attentive to questions of global inequality. Anghie attends more to the failure of the NIEO. Consistent with his background as one of the founders of Third World Approaches to International Law, Anghie uses that failure to discuss how economic inequality between the Global North and the Global South are constituted by histories of colonialism, relations of dependency, and ongoing neo-colonial exploitation. He also brings renewed attention to the context within which concern regarding inequality within countries is growing, calling it a “supreme irony that it is now the governments of rich countries that are finally being compelled to question the effects of globalization because of the impoverished in their own countries, whose disenchantment and increasing activism can no longer be ignored or suppressed.”

Radhika Balakrishnan and James Heintz turn to inequality among individuals globally, regardless of nationality. Inequality among countries, however, is relevant to their response to global individual inequality, as they argue that fulfilling economic and social rights requires international cooperation, therefore suggesting the need for significant redistribution among countries. Jason Hickel is also concerned with inequality among individuals across countries and identifies colonialism, regime change, structural adjustment policies, unfair trade policies, and climate change as key drivers of that inequality. Perhaps most importantly he contextualizes his discussion by arguing that the global ecological crisis and the necessary limits to growth it presents prevent a growth-based approach to meeting the demands of social and economic rights. If we are to address the pressing needs of the poor, he says, we will have to redistribute from the affluent Global North to the Global South, not grow our way to prosperity for all.

Perhaps because most economists agree that significant economic inequality has already reached very troubling levels, most of the papers do not identify a specific point at which inequality demands attention. Uprimny and Chaparro, however, direct their focus to “extreme” inequality, which they assume to be ubiquitous. Richard Falk identifies the levels of inequality we see today, and the inequality that needs to be addressed, as “toxic” inequality, namely “forms of inequality that provoke controversy, and are generally accompanied by widespread, often political, alienation.”

Perspectives on Human Rights

Most of the contributors to this dossier see economic inequalities as posing real challenges for the realization of rights. Yet, none argues explicitly that human rights are complicit in economic inequality, or in the political economy that produces it, although—as we noted earlier—some human rights scholars working in the Marxist tradition have forcefully made this argument.³⁴

Some of the contributions nevertheless take up other critical positions on human rights. In particular, much of the critical literature contends that human rights, especially given their emphasis in practice on individual civil and political rights, serve to distract from issues of distributive justice, including law's role in distribution, or to displace other emancipatory languages and rubrics.³⁵ As one scholar recently put it, we might need to adopt a "pragmatism of refusal" that rejects "human rights as the default framework through which we render global justice intelligible."³⁶

The displacement thesis can be found in Falk's partial attribution of human rights' failure to attend to inequality to "the degree to which the canonical human rights instruments overwhelmingly reflect the values of the West and the ideology of liberal individualism." Echoing Hoard's more literary commentary on the different languages of inequality and human rights, Falk notes that economic inequality "is a matter of collective conditions," while "human rights is concerned only with individual conditions." Nonetheless, in order to address growing economic inequalities, Falk turns to rights mechanisms and proposes a "Universal Declaration on Human Rights and Inequalities of Income and Wealth." Dehm calls attention to a similar displacement in contemporary human rights approaches, while insisting that individualism and inattention to distributive justice are not intrinsic to human rights. Rather, she focuses on struggles over different visions of human rights, stressing that contemporary rights approaches emerged "against a background of real and active contestation" that ended up "privileg[ing] a very narrow formal concept of rights against other potentially more redistributive alternatives."

Dehm highlights the way in which Third World states and practitioners, in particular, have stressed an interpretation of the collective right to self-determination that speaks to political and economic self-determination as well as associated rights to permanent sovereignty over natural resources, in order to contest relations of dependency, exploitation, and neocolonialism.³⁷ Others in that tradition have formulated, drawn on, and defended an understanding of the right to development that not only addresses domestic issues, but also contests the inequitable global economic relations in which states of the Global South are enmeshed.³⁸

Anghie recognizes that decolonizing states used the language of rights to make demands for economic self-determination; however, he identifies the language of sovereign equality as more central to these struggles, and stresses that "human rights was not a central aspect of the campaign of the NIEO to achieve development and challenge global inequality." He critiques the contemporary human rights movement for being individually focused and unable to attend to inequality. He aligns himself with Baxi's identification of the post-Cold War, market-friendly version of human rights that "supplemented and advanced neoliberal globalization instead of contesting it."³⁹ Anghie is therefore less sanguine about the prospect of using human rights than are Falk and Dehm, and while he attempts to bring forth the promise of earlier international legal attempts to combat inequality, he does not see human rights as central to those endeavors.

Hoard brings his insights as a professor of English literature to identify the differing "discursive realms" of inequality and human rights. He considers the rhetoric and strategies of different movements in South Africa—from the Treatment Action Campaign and Equal Education (two NGOs founded by Zackie Achmat) to the Rhodes Must Fall

campaign—to distinguish the narratives of human rights claims from the poetics of inequality claims. The latter, he suggests, does the necessary work to confront inequality, by shifting “the focus onto dispossessed collectivities—the nobodies—rather than an individuated human subject, though that figure haunts as a kind of impossible aspirational longing.” Evoking another critique of human rights, with regard to its temporality, he continues: “Their injury is not an event that can be witnessed and prosecuted, but rather a long, sustained, daily destruction, both material and discursive.”⁴⁰ In conclusion, Hoad suggests, “We need to think harder about the forms, genres, and modes of inequality arguments in old and new political imaginaries.”

Aside from Anghie and Hoad, all of the essays included in this dossier attempt to frame a way for human rights to address economic inequality, even though no existing human rights declaration or treaty recognizes a right to economic equality *per se*. Falk’s contribution aims to remedy that gap directly by proposing a “Universal Declaration on Human Rights and Inequalities of Income and Wealth.” That document, which he outlines in his contribution, would serve as an “authoritative document linking severe forms of inequality to a range of economic and political disturbances in state/society relations.”

Most human rights scholars and practitioners who advocate for human rights to address inequality, however, do not stake their claim on a need for new international human rights law—soft or hard. Instead, they use or promote the use of existing human rights law to combat inequality. This dossier is representative of a variety of human rights strategies for linking human rights and economic inequality: through the right to development, economic and social rights, and civil and political rights.

The prominence of the debate about economic inequality and human rights has brought renewed attention to and opportunity for economic and social rights scholars and advocates. Many have pushed for more expansive interpretations of economic and social rights that highlight the need for international cooperation to realize such rights.⁴¹ For others, the strategic mobilization of more expansive understandings of these rights can help realize not just sufficient provision but also a more equitable society.⁴² Important scholarship has also empirically considered the contexts and conditions in which economic and social rights litigation and advocacy can promote, or hinder, more distributive objectives.⁴³ In a slightly different vein, at the beginning of this century, increased scholarly and institutional attention was given to how poverty itself is a human rights issue.⁴⁴ That poverty raises acute human rights considerations is a perspective shared by most of the contributors to this dossier. The real question is the extent to which we can or should distinguish the problem of poverty from that of inequality, and whether extended or different strategies are necessary to address these related but distinct social ills.

The contributions to this collection take up some of these diverse approaches by working within—but trying to radicalize—rights frameworks. Balakrishnan and Heintz demonstrate that global coordination to address inequality, especially in the area of tax law and policy, is necessary to ensure the realization of rights. They also suggest ways in which extra-territorial rights obligations could be mobilized toward more redistributive ends, noting that the International Covenant on Economic, Social and Cultural Rights

recognizes that a country has obligations in relation to the realization of economic and social rights outside of its borders and registers the need for “international assistance and cooperation.” Uprimny Yepes and Chaparro Hernández argue that current rights frameworks provide tools to promote more distributive outcomes, and suggest pragmatic ways in which distributive concerns can inform the interpretation of international human rights, drawing on recent examples of the jurisprudence of the CESCR. Similarly, Hickel argues that rights frameworks already have the means and resources to push for more redistributive outcomes. At the same time, he contends that the ecological limits of our planet mean that endless growth needs to be rejected as the means by which rights are realized. As a result, he maintains, the realization of even minimal social and economic rights necessarily will call for redistributive policies. If he is right, inherent ecological limits mean that, as a practical matter, there is no way to address sufficiency without addressing inequality.

Others find additional links between the ability to address human rights and redistribution. Davis agrees that the achievement of economic and social rights depends upon major material redistribution—although he does not believe reliance upon interstate obligations or global income redistribution is the way to realize it. He sees domestic tax policy as “critical to raising revenue in order to finance public expenditure devoted to transfers by way of social grants and the provision of health and education.” Along the way, he acknowledges the difficulty of implementing successfully redistributive tax regimes in the current global context, thus also highlighting the question of global inequalities.

Galbraith and Falk are predominantly concerned with how inequality affects democracy.⁴⁵ Falk considers whether and how the “extent and patterns of inequality . . . are generally perceived as a fundamental political failure that harms and undermines the core commitment of democratic forms of governance.” While Falk’s analysis links economic inequality and unequal concentrations of political power, Galbraith underscores the relationship between rising inequality and increasing concentrations of financial power, especially the power wielded through relationships of debt. Galbraith identifies how the debt crisis gave rise to a number of human rights issues. His concern about how relations of debt can be abused by more powerful parties could also be read as a concern about how international debt and imposed austerity undermine national rights to collective self-determination. Both of these essays thus highlight the need to address inequality *among* countries in order to create some of the economic and political space required to effectively address inequality and the resulting rights deficits *within* countries.

Conclusion

The dossier helps demonstrate our sense that analyzing human rights together with economic inequalities provides a useful opportunity to consider both terms anew as well as to repoliticize discussions of rights and to situate, contextualize, and humanize discussion of inequality. Human rights frames help to illuminate the real human cost and impact of policies and proposals that are typically represented in economic discussions by abstract formulas and equations, which individual human beings at best “haunt,” as Hoad puts it. Human rights analyses also broaden, and sometimes challenge, the utilitarian and welfarist frameworks that are often used by economists to consider the relationship among

economic inequality, aggregate economic growth, and poverty reduction. Further, we trust that the dossier makes evident that the joint consideration of human rights and economic inequality calls for more cross-disciplinary conversations among lawyers, heterodox economists, historians, and social scientists as well as policy makers, human rights advocates, and social justice activists. All of these perspectives are needed, for example, to understand and address the fact that the human rights movement has grown alongside economic inequality, unequal accumulation, and impoverishment.

The contributions in this dossier engage with different strands and traditions of human rights scholarship and practice—some more optimistic, others more pessimistic about the possibilities of rights in the world; some more pragmatic, others more critical in their orientation to human rights movements. Beyond these differences, however, all of the essays gathered in these pages share an intuition that engaged, ongoing conversations about the relations between human rights and economic inequality are urgently needed. More importantly, all authors articulate a mutual outrage at the scandal of inequality in our historical moment and a commitment to imagining paths toward a more egalitarian and just world.

NOTES

1. President Barack Obama, *Remarks by the President on Economic Mobility*, December 4, 2013, <https://www.whitehouse.gov/the-press-office/2013/12/04/remarks-president-economic-mobility>; Andrew Brown, “Pope Francis Condemns Inequality, Thus Refusing to Play the Game,” *The Guardian*, April 28, 2014, <https://www.theguardian.com/commentisfree/2014/apr/28/pope-francis-condemns-inequality-john-paul>.
2. For the full conference program, see Bernard and Audre Rapoport Center for Human Rights and Justice, “Inequality & Human Rights Conference,” April 7–9, 2016, University of Texas at Austin, <https://law.utexas.edu/inequality-conference/>. Daniel Brinks and Karen Engle co-direct the Rapoport Center. Julia Dehm was postdoctoral fellow at the Center from 2015–2017 and is now a lecturer at the La Trobe Law School (Melbourne). Many thanks to staff and students at the Rapoport Center, especially Kate Taylor, for all their work preparing this dossier for publication.
3. Universal Declaration of Human Rights, Article 2 reads in part: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”
4. For an important, early call for human rights to respond to economic inequality, see Margot E. Salomon, “Why Should it Matter that Others Have More? Poverty, Inequality, and the Potential of Human Rights Law,” *Review of International Studies* 37, no. 5 (December 2011): 2137–55.
5. See David Kennedy, “The International Human Rights Movement: Part of the Problem?” *Harvard Human Rights Journal* 15 (2002): 101–216.
6. For dueling perspectives on this question, see Samuel Moyn, “A Powerless Companion: Human Rights in the Age of Neoliberalism,” *Law and Contemporary Problems* 77, no. 4 (2016): 147–69, and Susan Marks, “Four Human Rights Myths,” in *Human Rights: Old Problems, New Possibilities*, ed. David Kinley, Wojciech Sadurski, and Kevin Walton, 217–35 (Cheltenham: Edward Elgar, 2013). Moyn has since honed his position, and also examined historically many of the questions we posed in our call for the conference. See Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Cambridge: Harvard University Press, 2018).
7. On the failure of austerity politics, see Mark Blyth, *Austerity: The History of a Dangerous Idea* (Oxford: Oxford University Press, 2013). For a perspective on austerity in the Greek context, see Yanis Varoufakis, *Adults in the Room: My Battle with Europe’s Deep Establishment* (London: the Bodley Head, 2017) and Yanis Varoufakis, *And the Weak Suffer What They Must? Europe’s Crisis and America’s Economic Future* (New York: Nation Books, 2016).
8. Thomas Piketty, *Capital in the Twenty-First Century*, trans. Arthur Goldhammer (Cambridge: Harvard University Press, 2014). Another book on inequality that attracted a great deal of attention was Richard Wilkinson and Kate Pickett, *The Spirit Level: Why Greater Equality Makes Societies Stronger* (New York: Bloomsbury Press, 2009).
9. Obama, *Remarks by the President*.
10. Andrew Brown, “Pope Francis Condemns Inequality.”
11. Mark Goldring, “Eight Men Own More Than 3.6 Billion People Do: Our Economic System is Broken,” *The Guardian*, January 16, 2017, <https://www.theguardian.com/commentisfree/2017/jan/16/eight-people-earn-more-billion-economics-broken>.

12. See, for example, Mohammed Bedjaoui, “The Right to Development,” in *International Law: Achievements and Prospects*, ed. Mohammed Bedjaoui, 1177–204 (Dordrecht, The Netherlands: Martinus Nijhoff, 1991); Upendra Baxi, “The New International Economic Order, Basic Needs and Rights: Notes Towards Development of the Right to Development,” *Indian Journal of International Law* 23, no. 2 (1983): 225–45.

13. Magdalena Sepúlveda Carmona, *Report of the Special Rapporteur on Extreme Poverty and Human Rights*, Magdalena Sepúlveda Carmona, Human Rights Council, Twenty-sixth session, Agenda item 3, A/HRC/26/28 (May 22, 2014).

14. Philip Alston, *Report of the Special Rapporteur on Extreme Poverty and Human Rights*, Human Rights Council, Twenty-ninth session, Agenda item 3, A/HRC/29/31 (May 27, 2015), para 48. He has since followed up with a report on the United States. See Philip Alston, *Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to the United States of America*, Human Rights Council, Thirty-eighth Session, Agenda item 3, A/HRC/38/33/Add. 1 (May 4, 2018).

15. See Margot E. Salomon, “Of Austerity, Human Rights, and International Institutions,” *European International Law Journal* 21, no. 4 (July 2015): 521–45; Cephias Lumina, *Report of the Independent Expert on the Effects of Foreign Debt and Other Related International Financial Obligations of States on the Full Enjoyment of All Human Rights, Particularly Economic, Social and Cultural Rights—Mission to Greece (April 22–27, 2013)*, Human Rights Council, Twenty-fifth session, Agenda item 3, A/HRC/25/50 (March 7, 2014); Juan Pablo Bohoslavsky, *Report of the Independent Expert on the Effects of Foreign Debt and Other Related International Financial Obligations of States on the Full Enjoyment of all Human Rights, Particularly Economic, Social and Cultural Rights on his Mission to Greece*, Human Rights Council, Thirty-first session, Agenda item 3, A/HRC/31/60/Add.2 (April 21, 2016); Aoife Nolan, ed., *Economic and Social Rights After the Global Financial Crises* (Cambridge: Cambridge University Press, 2014).

16. Balakrishnan Rajagopal, “Greece: Welcome to the Third World and Here Are Some Lessons,” *Huffington Post*, July 13, 2015, updated July 9, 2016, https://www.huffingtonpost.com/balakrishnan-rajagopal/greece-welcome-to-the-thi_b_7760570.html.

17. For an overview of relevant scholarship on human rights and economic inequality, see Bernard and Audre Rapoport Center for Human Rights and Justice, “Bibliography on Human Rights and Economic Inequality” (prepared by Julia Dehm), <https://law.utexas.edu/humanrights/inequality-and-human-rights/>.

18. Doutje Lettinga and Lars van Troost, eds. *Can Human Rights Bring Social Justice? Twelve Essays* (Amsterdam: Amnesty International Netherlands, 2015), https://www.amnesty.nl/content/uploads/2015/10/can_human_rights_bring_social_justice.pdf; Ignacio Saiz and Gaby Oré Aguilar, “Introducing the Debate on Economic Inequality: Can Human Rights Make a Difference?” *OpenDemocracy*, October 27, 2015, <https://www.opendemocracy.net/openglobalrights/ignacio-saiz-gaby-or-aguilar/introducing-debate-on-economic-inequality-can-human-ri/>.

19. Samuel Moyn, “Human Rights and the Age of Inequality,” *OpenDemocracy*, October 27, 2015, <https://www.openglobalrights.org/human-rights-and-age-of-inequality>; Samuel Moyn, “Human Rights and the Age of Inequality,” in *Can Human Rights Bring Social Justice? Twelve Essays*, ed. Doutje Lettinga and Lars van Troost, 13–18, 17 (Amsterdam: Amnesty International Netherlands, 2015).

20. Moyn, *Not Enough*, 2; see also “Not Enough Symposium,” *Law and Political Economy*, <https://lpeblog.org/category/not-enough-symposium/>.

21. Marks, “Four Human Rights Myths.”

22. Moyn, “Powerless Companion”; Moyn, *Not Enough*.

23. Jessica Whyte, “Powerless Companions or Fellow Travellers? Human Rights and the Neoliberal Assault on Post-Colonial Economic Justice,” *Radical Philosophy* 2, no. 2 (2018): 26.

24. Upendra Baxi, *The Future of Human Rights* (New Delhi: Oxford University Press, 2002), 132.

25. *Ibid.*, 132–66.

26. See James Galbraith in this dossier, “Inequality, Debt and Human Rights: What Can we Learn from the Data?”

27. *Ibid.* See also James Galbraith, *Inequality: What Everyone Needs to Know* (Oxford: Oxford University Press, 2016); Branko Milanovic, *The Haves and the Have Nots: A Brief and Idiosyncratic History of Global Inequality* (New York: Basic Books, 2011); Branko Milanovic, *Global Inequality: A New Approach for the Age of Globalization* (Cambridge: Harvard University Press, 2016).

28. See Branko Milanovic, “Global Income Inequality in Numbers: In History and Now,” *Global Policy* 4, no. 2 (May 2013): 198–208.

29. Amartya Sen, “Equality of What?” *The Tanner Lectures on Human Values*, Vol. 1 (Cambridge: Cambridge University Press, 1980), 197–220.

30. See also Alston, *Report* (2015), where the focus is on extreme inequality and extreme poverty.

31. For arguments that inequality matters not intrinsically but only due to its effects, see Harry G. Frankfurt, *On Inequality* (Princeton: Princeton University Press, 2015), x–xi; Wilkinson and Pickett, *Spirit Level* (effects on health); Piketty, *Capital* (effects on democracy); United Nations Development Programme, *Humanity Divided: Confronting Inequality in Developing Countries* (New York: UNDP, 2013), 1 (inequality undermines “the very foundations of development and social and domestic peace” and “economic growth”); Alston, *Report* (2015) (effects on human rights). Compare with Salomon, “Why Should It Matter?” (inequality matters intrinsically as

well as instrumentally); see also, John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971) (inequality is only tolerable in a just society to the extent that it contributes to the welfare of the least well-off).

32. For the focus on impoverishment, see Upendra Baxi, *Law and Poverty: Critical Essays* (Bombay: N. M. Tripathi Private Limited, 1988), vii. For a critique of recent UN claims that poverty has decreased globally in recent years, see Jason Hickel, “The True Extent of Global Poverty and Hunger: Questioning the Good News Narrative of the Millennium Development Goals,” *Third World Quarterly* 37, no. 5 (2016): 750. For a similar analysis concerned with how progress of the MDGs in relation to food has been assessed, see Thomas Pogge, “The Hunger Games,” *Food Ethics* 1, no. 1 (June 2016): 9–27.

33. See the Davis Tax Committee, <http://www.taxcom.org.za/>; James K. Galbraith, *Welcome to the Poisoned Chalice: The Destruction of Greece and the Future of Europe* (New Haven: Yale University Press, 2016).

34. See, for example, Marks, “Four Human Rights Myths,”; Susan Marks, “Human Rights and Root Causes,” *The Modern Law Review* 74, no. 1 (January 2011): 57–78, drawing on Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (Toronto: Random House of Canada, 2007). For more recent works in this vein, see Jessica Whyte, “Human Rights and the Collateral Damage of Neoliberalism,” *Theory & Event* 20, no. 1 (January 2017): 137–51; Jessica Whyte, *The Morals of the Market: Human Rights and the Rise of Neoliberalism* (New York: Verso, 2019); for a different view from within that tradition, see Paul O’Connell, “On the Human Rights Question,” *Human Rights Quarterly* 40, no. 4 (November 2018): 962–88. For Samuel Moyn’s argument against complicity, see Moyn, “A Powerless Companion.”

35. See, for example, Wendy Brown, “‘The Most We Can Hope For . . .’ Human Rights and the Politics of Fatalism,” *The South Atlantic Quarterly* 103, no. 2/3 (Spring/Summer 2004): 451–63; Kennedy, “Part of the Problem?”; Karen Engle, Zinaida Miller, and D. M. Davis, introduction to *Anti-Impunity and the Human Rights Agenda*, 1–12 (Cambridge: Cambridge University Press, 2017). For a counterview of the “displacement thesis,” see Paul O’Connell, “Contesting the Displacement Thesis: Human Rights, Social Movements and the Bigger Picture,” *Northern Ireland Legal Quarterly* 69, no. 1 (Spring 2018): 19–35.

36. Ben Golder, “Theorizing Human Rights,” in *The Oxford Handbook of the Theory of International Law*, ed. Anne Orford and Florian Hoffmann, 684–700 (Oxford: Oxford University Press, 2016).

37. See Christopher R. W. Dietrich, *Oil Revolution: Anticolonial Elites, Sovereign Rights and the Economic Culture of Decolonization* (Cambridge: Cambridge University Press, 2017).

38. *Declaration on the Right to Development*, General Assembly Resolution, 97th plenary meeting, A/RES/41/128 (December 4, 1986). On the right to development, see Balakrishnan Rajagopal, “Right to Development and Global Governance: Old and New Challenges Twenty-Five Years On,” *Human Rights Quarterly* 35, no. 4 (November 2013): 893–909; Anne Orford, “Globalization and the Right to Development,” in *Peoples’ Rights*, ed. Philip Alston, 127–184 (Oxford: Oxford University Press, 2001); Stephen Marks, “The Human Right to Development: Between Rhetoric and Reality,” *Harvard Human Rights Journal* 17 (2004): 137–68; see also Karin Mickelson, “Rhetoric and Rage: Third World Voices in International Legal Discourse,” *Wisconsin International Law Journal* 16, no. 2 (1998): 353–419.

39. Citing Upendra Baxi, “Voices of Suffering and the Future of Human Rights,” *Transnational Law and Contemporary Problems* 8, no. 2 (Fall 1998): 125–70, 163–64.

40. See, for example, Mahmood Mamdani, “Amnesty or Impunity? A Preliminary Critique of the Report of the Truth and Reconciliation Commission of South Africa (TRC),” *Diacritics* 32, no. 3–4 (Autumn–Winter 2002): 33–59.

41. See Salomon, “Why Should It Matter?”

42. See Lucie White and Jeremy Pearlman, eds., *Stones of Hope: How African Activists Reclaim Human Rights to Challenge Global Poverty* (Palo Alto, CA: Stanford University Press, 2011); Katherine G. Young, *Constituting Economic and Social Rights* (Oxford: Oxford University Press, 2012); Olivier De Schutter, “The Role of Human Rights in Shaping International Regulatory Regimes,” *Social Research: An International Quarterly* 79, no. 4 (Winter 2012): 785–818; Alston, *Report* (2015); Sandra Fredman, “Emerging from the Shadows: Substantive Equality and Article 14 of the European Court of Human Rights,” *Human Rights Law Review* 16, no. 2 (June 2016): 273–301; compare with Paul O’Connell, “The Death of Socio-economic Rights” *The Modern Law Review* 74, no. 4 (July 2011): 532–54; and Joe Wills, *Contesting World Order: Socioeconomic Rights and Global Justice Movements* (Cambridge: Cambridge University Press, 2017).

43. See, for example, Daniel M. Brinks and Varun Gauri, “The Law’s Majestic Equality? The Distributive Impact of Judicializing Social and Economic Rights,” *Perspectives on Politics* 12, no. 2 (June 2014): 375–93.

44. Committee on Economic, Social and Cultural Rights, “Poverty and the International Covenant on Economic, Social and Cultural Rights: Statement Adopted on 4 May 2001,” Twenty-fifth session, Agenda item 5, E/C.12/2001/10 (April 23–May 11, 2001); Willem van Genugten and Camilo Perez-Bustillo, eds., *The Poverty of Rights: Human Rights and the Eradication of Poverty* (New York: Zed Books, 2001); Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity Press, 2002); OHCHR, “Human Rights and Poverty Reduction: A Conceptual Framework” (Geneva: United Nations, 2004); Thomas Pogge, ed., *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* (Oxford: Oxford University Press, 2007); Irene Khan, *The Unheard Truth: Poverty and Human Rights* (New York: Amnesty International and

W. W. Norton, 2009); for a critique of the limitations of these analyses, see Susan Marks, "Human Rights and the Bottom Billion," *European Human Rights Law Review* 1 (2009): 37–39.

45. Although Galbraith addresses democracy in a political register, some scholars have also sought to position it as a right. See, for example, Henry J Steiner, "Political Participation as a Human Right," *Harvard Human Rights Yearbook* 1 (1988): 77–134; Thomas Franck, "The Emerging Right to Democratic Governance," *American Journal of International Law* 86, no. 1 (January 1992): 46–91.