

# The corrupt debased culture of neo-liberalism







*"I deal with tax avoidance - he deals with tax evasion."*

# Individualism, Neo-Liberalism and Aggressive Capitalism

- \* Pogge: Humans will shape their thinking to suit their interests
- \* therefore powerful persons 'can do it
- \* While 'The Weak Suffer What They Must' (Varoufakis)
- \* (Pope) 'Unbridled Capitalism is the devil's dung'  
2015

# Neo-Liberalism

- \* Predicated on selfishness;
- \* Competition between individuals
- \* Consumerism
- \* Bad for the rich, status symbols; insecurity; mental health issues
- \* Wrecking the planet
- \* Tax havens are an outgrowth of the Neo-liberal economic paradigm
- \* **Inequality**

# Corrupting spiritual principles: How?

- \* Franciscan thinking; wealth and power were evil
- \* 'submitted wholly to God by giving up all of their worldly goods'
- \* Vow of poverty including
- \* 'property will' they didn't own their mind or body
- \* (Michael Freeman, *Human Rights and Capitalism*, Elgar 2007).

# Sliding into possessions

- \* Papacy: didn't like this, argued that everyone needed food and water, therefore the Franciscans' doctrine was flawed
- \* If water and food: what else
- \* Good possessions v bad possessions

# Individualism v Human Rights: uneasy relationship

- \* What about will of individuals?
- \* A) is **free will** a possession? (autonomy and individualism and Human *Rights*)
- \* If there are Good possessions: how much is allowed? (consumer societies)
- \* Extreme individualism (N. MacLean, *Democracy in Chains*, Scribe: populism)



# The age of Enlightenment?



Vow of  
poverty

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graph TD; A[Vow of poverty] --> B[Owning your own self]; A --> C[Food and water/ possessions]; B --> D[entitlement]; B --> E[Human Rights]; C --> F[consumerism]
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Owning your  
own self

Food and  
water/  
possessions

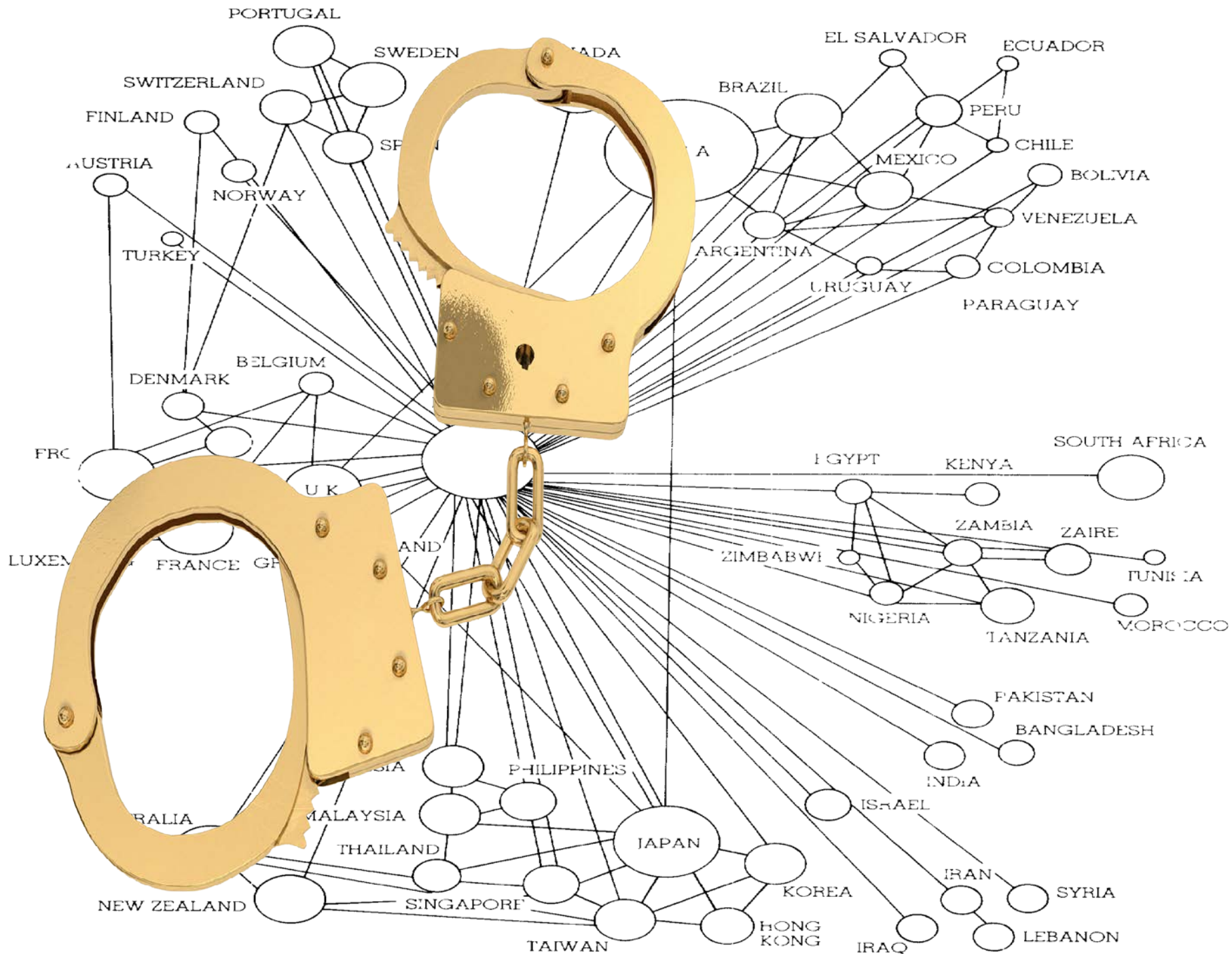
entitlement

Human  
Rights

consumerism

# HR: framework; States v individuals

- \* Add communities; other stakeholders
- \* Corporate governance; Community Interest Companies; Benefit Corporations; Co-ops
- \* Enterprise law; Whole company groups can be sued in any jurisdiction
- \* Limiting the power of MNEs (see Albanian Company Law)



# Exceptions:

- \* Un Declaration on the Rights of Indigenous Peoples 2007
- \* “indigenous peoples’ rights are by definition collective rights”
- \* “The international community clearly affirms that indigenous peoples require recognition of their rights as people to enable them to enjoy human rights”
- \* OECD; <https://www.oecdwatch.org/cases/cases/all-cases/casearchview>
- \* Property; resources; oil and gas; North Dakota Pipeline

# Human Rights and Climate Change

- \* Problematic: No individual directly
- \* But After the UN Guiding Principles for Business 2011
- \* The HR jurisprudence is changing because the HR framework includes companies as actors as well as States and individuals.
- \* UN Guiding Principles for businesses; “the corporate responsibility to respect Human Rights and the duty to remedy abuses”

# HR and climate change

- \* But on climate change Human rights are indirect
- \* Some constitutions have included the right to a healthy environment
- \* <https://cmsdata.iucn.org/news/world-commission-environmental-law/201607/judges-establish-global-judicial-institute-environment>

# Global Judicial Institute for the Environment 2016

