

The cost of rights before economic growth and human development in Brazil in Susteisn and Holmes*

O custo dos direitos diante do crescimento econômico e desenvolvimento humano no Brasil em Susteisn e Holmes

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Abstract

The study aims to analyze how the work “The cost of rights” by Cass Robert Sustein and Stephen Holmes can contribute to the strategic planning of the development of post-88 Brazil based on the awareness that rights are expensive and that budgetary resources are scarce and it is justified by the lack of equalization between the economic growth and human development indices in the country, published in the latest research, and government cuts made in the 2022 budget in essential sectors for development that distance the Federative Republic of Brazil from achieving its fundamental objectives. The methodology involves interdisciplinary research with an epistemological orientation in critical theory, brings together theory and praxis and articulates aspects of Sociology, Economics and Constitutional Law, given the relevance of the dialogue of knowledge to address economic growth and human development. The text adopts inductive and deductive reasoning, in qualitative research, with the techniques of document analysis, data and bibliographic review. It is expected to contribute to the reflection on selective investments in rights that encourage training, self-discipline, inclusion and social cooperation, in order to enable the development and achievement of fundamental goals of the Brazilian State.

Keywords: State development. Cost of rights. Strategic planning.

Resumo

O estudo tem como objetivo analisar de que modo a obra O custo dos direitos, de Cass Robert Sustein e Stephen Holmes, pode contribuir para o planejamento estratégico do desenvolvimento do Brasil pós-88. Tal análise acontece a partir da consciência de que os direitos são dispendiosos e de que os recursos orçamentários são escassos, além de justificar-se em razão da ausência de equalização entre os índices de crescimento econômico e de desenvolvimento humano no país, publicados nas últimas pesquisas, e de cortes governamentais realizados no orçamento de 2022 em setores indispensáveis para o desenvolvimento que distanciam a República Federativa do Brasil da realização dos seus objetivos fundamentais. A metodologia envolve pesquisa interdisciplinar com orientação epistemológica na teoria crítica, congrega teoria e práxis e articula aspectos da

* Artigo traduzido por Inteligência Artificial

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Sociologia, Economia e Direito Constitucional, dada a relevância do diálogo de saberes para tratar de crescimento econômico e desenvolvimento humano. O texto adota os raciocínios indutivo e dedutivo, em pesquisa qualitativa, com as técnicas de análise documental, de dados e de revisão bibliográfica. Assim, espera-se contribuir para a reflexão acerca de investimentos seletivos em direitos que estimulem a capacitação, a autodisciplina, a inclusão e a cooperação social, de modo a possibilitar o desenvolvimento e a realização de metas fundamentais do Estado brasileiro.

Palavras-chave: *Desenvolvimento do Estado. Custo dos direitos. Planejamento estratégico.*

1 Introduction

The Brazilian Constitution of 1988 states that the Federative Republic of Brazil is a Democratic State of Law and presents fundamental objectives to be achieved, such as the construction of a free, fair and solidary society, the eradication of poverty and marginalization and the reduction of social and regional inequalities and the guarantee of national development. In order to ensure development, the economic order turns to free enterprise and to the valorization of human work for the dignified existence of its population, and the social order to the primacy of work for well-being and social justice.

The fundamental, social, economic and cultural rights, listed in the Brazilian Constitution of 1988, offer a substrate to the public powers and to the realization of a minimally dignified level of civilization for the benefit of the country's population. To achieve this goal, it is necessary to have strategic planning that results in the application of budgetary resources in rights that have the power to contribute to the simultaneous progress of several fronts in favor of the integral development of the State.

The study aims to analyze how the work *The cost of rights* can contribute to strategically plan the development of Brazil after 88, based on the awareness that rights are expensive and that budgetary resources are scarce. Thus, such an analysis is justified due to the lack of equalization between the economic growth and human development indices published in the latest surveys and government cuts in the 2022 budget, in sectors indispensable for development, which distance the Federative Republic of Brazil from the achievement of its fundamental objectives.

The methodology involves interdisciplinary research with an epistemological orientation in critical theory, brings together theory and praxis and articulates aspects of Sociology, Economics and Constitutional Law, given the relevance of the dialogue of knowledge to deal with economic growth and human development. The text adopts inductive and deductive reasoning, in qualitative research, with the techniques of documental analysis, data and bibliographic review, in addition to being divided into three items. The first presents notions about economic growth and human development. The second examines the guidelines of the

Brazilian Constitution of 1988 for economic growth and human development. Finally, the third item analyzes the contributions of the work *The Cost of Rights*, by Susteisn and Holmes, to economic growth and human development in post-88 Brazil.

2 Notions about economic growth and human development

The concept of development was once restricted to that of growth, without social indicators being taken into account. The idea that the State should, first, ensure economic growth and only then invest in the human development of its population, has also long been preached. Pompeu and Melo (2016, p. 202) teach that the notion is mistaken, since between the two fronts there is a relationship of concomitance and mutuality that is essential for the broad process of development of a State.

André Ramos Tavares (2011, p. 132-133) presents the distinction between economic law and the right to development. According to the author, while economic law has an exclusively quantitative purpose, measured by the Gross Domestic Product (GDP), the right to development is the humanized economic right, measured by the Human Development Index (HDI), that is, a statistic linked to factors related to social issues. Therefore, they are unmistakable and fully reconcilable fields for the development of the State.

In the work *Neoliberalism and Human Rights*, Avelãs Nunes (2003, p. 116-117) explains that the notion of economic development is not reduced to the mere growth of production. The author teaches that there is no need to talk about economic development without respect for human dignity, culture, leisure and full employment. Development has the power to transform social and power structures, to satisfy the vital needs of the population so that it can achieve sufficient means of self-sustenance and personal and professional satisfaction.

In the work *The Wealth of Nations*, written in the context of the eighteenth century, Smith (2008, p. 14, 176-177) already recognized the importance of training productive workers, thus stating that in addition to one's own sustenance, it is through work that the net product is generated. Although he attributed the wealth of a society to the amount of accumulated metals at the time, the author recognized that investment in the productive forces of labor would be a factor that would drive the development of the State.

For there to be development, the State must execute public policies and ensure rights, especially social rights that materialize human dignity. The fate of development cannot be transferred to the fate of private agents (Pompeu; Andrade; 2015, p. 288). The joint commitment

between the State and private agents, in the promotion of development that combines economic growth and human development, is the path that is desired for the broad progress of the State.

Regarding the relationship between economic growth and human development, Bercovici (2005, p. 53-54) asserts that when there is growth without development, it is said that there has been mere modernization, without the power to promote the necessary transformations to economic and social structures. The author teaches that development must occur through democracy, through social, political and cultural participation capable of integrating the population of a State.

Bresser-Pereira (2004, p. 04-15) emphasizes the importance of the Democratic State as a regime of government imperative to development. According to the author, the model allows the creation of public policies for the healthy promotion of economic development and the creation of institutions with legitimacy to ensure order, freedom, justice, government self-reform, state health in the fiscal plan and good market regulation. In the same vein, Fukuyama (2005, p. 38-40) recognizes the essentiality of the existence of good institutions for the full functioning of the State in attention to the common interests of the collectivity.

Notions of development have been presented by scholars from multiple dimensions. Sen (2000, p. 144, 151-152) states that it is imperative for the State to have a comprehensive approach to development, in order to ensure concomitant progress on various fronts, which requires from the public authorities and institutions an equalization of interests and incentive to the market. The combination of market interests and social opportunities allows different instrumental freedoms to complement each other for the integral development of the State.

Muhammad Yunus revolutionized Bangladesh by offering opportunities by opening microcredit to the country's poor population through the Grameen Bank and thus broke the imaginary that "entrepreneurship is for a privileged minority". The opportunities through the incentive to credit for self-employment were successful and yielded more quality of life to an entire population that knew how to explore its creative potential and generate income, in addition to constituting a successful example for the eradication of poverty in the world (Yunus, 2008, p.66-70).

States and institutions that do not generate opportunities tend to grow social inequality. Thus, Stiglitz (2016, p. 75-82) asserts that in the modern economy it is essential that the State invests in infrastructure, education and technology, necessary means to reduce social inequalities. According to the author, inequality causes economic dysfunction and affects the whole of society, so it also affects those who are at the top of the pyramid and who imagine

themselves untouchable.

Nussbaum (2013, p. 191-196, 199-275) analyzes development with a focus on capabilities. The author explains that capacities are prerequisites for human flourishing and foundations for the definition of basic human rights. The focus on capacities by the State is aimed at all individuals and is built from a minimum and general notion below which a dignified life cannot be conceived, which includes: physical integrity; health; imagination and thought; the senses; practical reason; emotions; the relationship with other species; access to leisure and environmental control.

In the environmental field, especially from 1972 onwards, at the Stockholm Conference, growth consistent with human development and environmental protection began to be advocated. Leff (2001, p. 36-41) draws attention to the concern that States must have with the conduct of economic growth, in the sense that it can imply the annihilation of biological wealth and warming of the planet. Care for ecology is essential to the preservation and quality of life of populations, based on an environmental rationality that allows for a diversified development that is attentive to the future of humanity.

Krenak (2019) asserts that the civilizational abstraction that is imposed on us is illusory, as it disregards the value of the environment, the habits that connect us with the earth, and with biological and human diversity, and, therefore, deserves to be rethought for the good of present and future generations. When assessing the position of companies with regard to sustainability, Elkington (2012, p. 25-29, 107-108) affirms the importance of three pillars that, when connected, should guide business. They are: economic growth, environmental quality and social justice.

In the same vein, Tim Jackson's *Prosperity without Growth* reflects on the necessary reconciliation between the desire for a dignified life with the reserves of a finite world. According to the author, prosperity with growth respects the quality of life of populations, people's happiness, full participation in life in society, all in accordance with the ecological limits of the planet, in order to ensure that present and future generations live in a decent way (Jackson, 2013).

Bresser-Pereira (2006) teaches that one should not be deceived by the fallacy of economic prosperity. In this way, and without denying the importance of economic prosperity, the author explains that it corresponds to only one of the goals of the modern State that is added to others so important, such as security, freedom, social justice and environmental protection, which cannot be left aside, under penalty of not achieving the broad development of a country.

The recognition of the right to development as an inalienable human right in UN Resolution No. 41/128¹ has given this right an integrative and human rights-promoting dimension. It is perceived that new dimensions are contemplated in order to ensure that all peoples are able to participate in economic, social, cultural and political development, contribute to it and enjoy it. That is to say, it is the right of the populations of the States to enjoy a minimum level of civilization, with respect for fundamental, social and cultural rights.

It is important to emphasize that the promotion of development requires planning, aiming to coordinate, rationalize and provide unity regarding the purposes of state action, therefore, it is not limited to a mere casuistic intervention, but to a look to the future (Bercovici, 2015, p. 19). To perform this role, the State is required to be autonomous from social actors, in addition to the commitment to restructure its organs, with a view to modifying socioeconomic structures and better income distribution (Bercovici, 2005, p. 51-52).

The theme of development has received constitutional normative treatment in several nations. The Brazilian Constitution of 1988 can be referred to as an example. In the constitutional text, the guarantee of national development results from a combination of sparse provisions, in favor of the achievement of fundamental objectives of the Federative Republic of Brazil. Thus, the following section will analyze the 1988 Brazilian Constitution, with regard to economic growth and human development, as well as the indicators published on the subject.

3 Guidelines of the Brazilian Constitution of 1988 for economic growth and human development

The Federal Constitution of 1988 (FC) reveals the importance that should be attributed to national development. Therefore, in the preamble, it is possible to visualize the aspirations of the constituent with regard to the development of the State². The initial articles of the Constitution highlight the fundamental principles of the Brazilian Republic, essential to the

¹ Article 1 of Resolution No. 41/128, which deals with the Declaration on the Right to Development, states that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized., 1986).

² The preamble of the Constitution reads: We, representatives of the Brazilian people, gathered in the National Constituent Assembly to establish a Democratic State, destined to ensure the exercise of social and individual rights, freedom, security, well-being, development, equality and justice as supreme values of a fraternal, pluralistic and unprejudiced society, founded on social harmony and committed, in the internal and international order, with the peaceful solution of disputes, we promulgate, under the protection of God, the following Constitution of the Federative Republic of Brazil (Brasil, 1988).

achievement of goals to be pursued by the State, in order to create favorable conditions for economic growth and human development to be pursued symmetrically.

Among the fundamental principles that favor the country's development scenario, it is possible to mention the dignity of the human person (Article 1, III, FC) and the social values of work and free enterprise (Article 1, IV, FC) as the foundations of the Republic; the construction of a free, fair and solidary society (Article 3, I, FC), the guarantee of national development (Article 3, II, FC), the eradication of poverty and marginalization and the reduction of social and regional inequalities (Article 3, IV, FC) as fundamental objectives of the Republic.

Article 43 of the Federal Constitution deals with the articulation of the Union, in the same geoeconomic and social complex, in order to guarantee development and reduce regional inequalities (Brasil, 1988). Such provisions in the Constitution set out State goals that aim to provide an economic standard capable of ensuring development and containing the basic needs of the population (Holanda, 2018, p. 105). That is, they bring the two orders (economic and social) closer together in order to ensure minimum conditions of well-being for the population (Pompeu; Bertolini; 2013, p. 132-133) and the primacy of social justice.

The eradication of poverty and the reduction of social and regional inequalities are fundamentals of the Federative Republic of Brazil and are among the millennium goals organized by the 2030 Agenda for Sustainable Development. The Agenda is a milestone in international politics, elaborated from the efforts of world leaders through programs and coordinates in defense of sustainable development, with the aim of guiding the work of the United Nations and its member countries, so that they seek the dignity and quality of life of the planet's populations without threatening the destruction of the environment (Campello; File; 2021, p. 1039-1040).

From the debates and negotiations of the Agenda, the Working Group produced a text that resulted in the 17 Sustainable³ Development Goals (SDGs) and 169 targets for consideration by the General Assembly of the United Nations (UN), which ended up adopting the document entitled *Transforming our world: the 2030 Agenda for Development* (Campello; File; 2021, p. 1040-1043). It is up to Brazil, as a signatory state, to commit itself to the fulfillment of the goals established by the international organization so that it reaches a minimum level of civilization achieved with respect for the economic, social, and cultural rights

³ On the objectives of the Agenda, see: <https://brasil.un.org/pt-br/91863-agenda-2030-para-o-desenvolvimento-sustentavel>.

of its population (Pompeu; Matos, 2020, p. 58) and without forgetting the protection of the environment.

The commitment of the Brazilian Constitution of 1988 to the *Welfare State* is evident. The document presents titles that deal with both social rights and social order. Despite the social bias, the constituent legislator also organized the economic order (Pompeu; Matos; 2020, p. 55) and dedicated a specific title to the subject under the expression "economic and financial order" (Tavares, 2011, p. 119-120). The choice of the constituent reveals the option for a model that mixes characteristics of both the Liberal State and the Social State (Pompeu; Andrade, 2015, p. 283).

The Constituent Assembly expressly informed in the constitutional text that the economic order aims to ensure a dignified existence for all, according to the dictates of social justice (Art. 170, FC) which, according to Grau (2010, p. 229), affirms care related to the distribution of the economic product, inspired by both micro and macroeconomic reasons. Therefore, the principle of social justice conforms the economic order to the imperative of a dignified existence, the foundation of the Federative Republic of Brazil (Art. 1, III, FC).

Economic activity in the Brazilian Constitution of 1988 was contemplated in detail, especially because it is considered that other norms of economic repercussion are topographically inserted in titles other than VII (of the economic and financial order). Despite being capitalist, as can be seen from rights such as private property, free competition and free exercise in the economy (Tavares, 2011, p. 120), the economic order must go hand in hand with the social order, also contemplated in the Constitution.

It is not possible to consider, yet, the development of the Brazilian State without respect for the environment. The protection of the environment, a good for the common use of the people and essential to the healthy quality of life of present and future generations, was contemplated in the social order, with *constitutional status* (Art. 225, FC). Through it, the constituent aimed to ensure that economic growth occurred in such a way that diffuse interests were observed in defense of human development. In this scenario, among other things, the environment of the socially responsible company is created (Holanda, 2018, p. 108-109).

Development must be promoted in its multiple aspects, through the provision of minimum conditions for its populations to enjoy community goods and develop their capacities. As long as the effectiveness of rights essential to human dignity, such as social rights, is questionable

in Brazil, the Brazilian Constitution will be nothing more than a mere "sheet of paper", an expression used by Ferdinand Lassale in *the work The Essence of the Constitution* ⁴.

The creation and strengthening of institutions that offer conditions for the enjoyment of goods necessary for a minimally dignified life of the population, makes it possible to raise the economic growth and human development rates of the State. In the context of the eighteenth century, Smith (2008, p. 612) already warned about the role of the State in the internal defense of society against external invasions, construction and preservation of public works and institutions, as it would be something that would favor everyone and not a small group of people.

Economic development, especially analyzed through the Gross National Product (GNP) indexes, is an important thermometer of growth and management of countries. However, if taken in isolation, it does not present the integral notion of development that is desired in contemporary times. Wealth, produced without the development of human capacities and without offering the quality of life of the population, incompletely reflects the developmental process of the State today (Pompeu; Melo, 2016, p. 200).

The disparities between the indices of economic growth and human development in Brazil reveal that it is necessary to adopt measures to equalize the balance in favor of integral development, with emphasis on the fundamental objectives of the Republic. Thus, while the country ranks 26th in economic growth⁵, it is in 84th position in human development⁶. Therefore, the degree of human development is not equally related to the degree of economic growth, which denotes the need for strategic planning that values both fronts.

According to Pompeu and Holanda (2017), the Human Development Index (HDI) emerges as a counterpoint to the Gross Domestic Product (GDP) *per capita*. However, the authors warn that although it improves the perspective on the conditions of the population, the HDI of a country does not necessarily indicate that this is the best place to live, due to other aspects related to development that must also be taken into account.

⁴ When inquiring about what would be the essence of the Constitution, Ferdinand Lassale (2007) explains that the real factors of power are an active force present in all societies and that they act by influencing existing laws and legal institutions. When the juridical (written) Constitution does not maintain a relationship with the real Constitution (sum of the real factors of power), it is said to be nothing more than a simple sheet of paper.

⁵ Survey published in December 2021. For more information, see: https://public.flourish.studio/visualisation/8014700/?utm_source=showcase&utm_campaign=visualisation/8014700

⁶ Human Development Report of the United Nations Development Program (UNDP), published in 2020. For more information, see: https://public.flourish.studio/visualisation/4668920/?utm_source=showcase&utm_campaign=visualisation/4668920

The concentration of income, poverty, populism, corruption, and the devaluation of the workforce are examples of ills still present in Brazil today, compromising the structure of the Democratic State (Pompeu, 2019, p. 249). Gina Vidal Marcílio Pompeu (2012, p. 117-118) teaches that democracy is made with the materialization of public policies and fundamental, social, economic and cultural rights. In the work *Profit or People*, Chomsky (2002, p.11-12) explains that neoliberalism destroys efforts to materialize equal rights, which is indispensable for true democracy.

Bercovici and Mossoneto (2006, p. 18-19) call the "inverted governing Constitution" the model desired by conservatives, which reduces state policy to the protection of the financial income of capital and the preservation of the accumulation of wealth by individuals. Therefore, it maintains the *status quo* of the abyss between classes, contrary to the Democratic Rule of Law that values public policies and social rights, important engines for containing crises. The current Brazilian constitutional stage calls for investment in rights that can contribute to the achievement of the fundamental objectives of the Federative Republic of Brazil.

It is understood, then, that investment requires planning. Thus, the 1988 Constitution provided for the obligation of state planning in its Article 174, caput⁷. It means that the Brazilian State, in addition to promoting and supervising the activities of private individuals, must also plan. In other words, the planning provided for in the Brazilian Constitution of 1988 must aim at the fundamental objectives of the Republic described in the constitutional text (Bercovici, 2015, p. 25).

As Grau (2010, p. 346-347) teaches, planning is to act rationally through goals and by defining means of action arranged in a coordinated manner and undertaken prospectively. Therefore, it is through planning that the development of the State in the long term is ensured. Hayek (2010, p. 128-129) warns that fluctuations in economic activity and unemployment are serious and current issues. Although the question of planning is crucial, it must be carried out in such a way that it does not put an end to the market system.

Thus, even with the constitutional provision on the obligation to plan, Brazil does not have a law that regulates the matter. Law No. 10,180, of February 6, 2001, does not establish a national planning system that establishes the guidelines and bases of planning for balanced

⁷ Article 174 of the Constitution states that "as a normative and regulatory agent of economic activity, the State shall exercise, in accordance with the law, the functions of inspection, incentive and planning, which is decisive for the public sector and indicative for the private sector" (Brasil, 1988).

national development , in compliance with the provisions of Article 174, § 1 of the Constitution⁸ (Bercovici, 2015, p. 25).

The need for a national planning system requires legislative regulation committed to the future of the State. It is up to the country to strengthen state functions in the various regions through a national project that combines economic growth and human development (Pompeu, 2012, p. 120, 128, 131). The development that is desired is a work for the community and must be discussed and pursued responsibly, from the perspective of the cost-benefit relationship of rights.

Policy proposals aimed at both economic growth and human development must be developed from the awareness that rights are expensive and that budgetary resources are scarce. In the work *The Cost of Rights*, Cass Robert Sustein and Stephen Holmes (2019) state that rights imply a cost to the treasury, and society is burdened by this, so that it is necessary that government plans do not create the imaginary of the utopian implementation of the welfare state at all costs.

The Democratic Rule of Law is built with strategy, which gives rise to the analysis of the budgetary costs of rights. The guidelines of the public administration should compose the budget, given the scarcity of resources, so that the social State is, in the same vein, fiscal (Pompeu; Matos; 2020, p. 60). In this sense, the last section of the study will analyze the contributions of Sustein and Holmes' thought in the work *The cost of rights* for economic growth and human development in Brazil in the current constitutional context.

4 Contributions of the work *The cost of Sustein and Holmes' rights to economic growth and human development in post-88 Brazil*

The work *The Cost of Rights*, written by Cass Robert Sustein and Stephen Holmes, is an invitation to reflect on the budgetary costs of rights, especially in the face of the scarcity of resources, which requires tax collection and responsible investments by the State, as well as the payment of taxes by taxpayers.

In the work, the idea is defended that both the rights of the first generation and those of subsequent generations impose costs on the public treasury, which means that they cost money to the population. In the United States, a liberal country widely used as an example, rights are

⁸ According to Article 174 § 1 of the Constitution, "the law shall establish the guidelines and bases for the planning of balanced national development, which shall incorporate and make compatible the national and regional development plans" (Brasil, 1988).

understood as public goods and, in general, are funded through taxes collected from the community as a whole, unlike what occurs with divisible services funded by means of fees, paid by a specific public (Sustein; Holmes, 2019).

The model allows reflection on the existing and classically diffused dichotomy of the so-called "negative rights" and "positive rights". For Cass Robert Sustein and Stephen Holmes (2019), all rights are positive, that is, no right is exempt from state interference. All of them demand an affirmative response from the State, either through the creation of a law or a judicial decision. Claiming a right, whatever it may be, is equivalent to moving coercive and corrective mechanisms that generate financial expenditure by the State.

Although certain rights are expensive, their investment increases the development of the State and ends up being self-financing. In the work, property rights, public education, public health and freedom of expression are cited as examples. Regarding property rights, the cost of the State in hiring public security to protect private properties, although expensive, is successful, as it is covered in physical, patrimonial and psychological security for individuals, which encourages people to improve their properties and respect the social contract (Sustein; Holmes, 2019).

Another positive effect generated through investment in property rights can be found in the example of the Rural Property Act of 1862, created in the United States, which distributed strips of land free of charge to settlers who lived and cultivated them for a period of five years. The legislative policy to combat poverty was a successful affirmative action promoted by the selective investment of public resources in the right to property with the objective of promoting opportunities, self-discipline, production and long-term planning (Sustein; Holmes, 2019).

Investment in public education consists of a successful state policy, carried out with the aim of training people and groups. In other words, it is a long-term investment in human skills. In addition to enabling social cooperation, education policy has the power to recruit and train talented people from all social classes for the labor market, which allows social ascension and the provision of services to the community by people belonging to diversified groups in society, without forgetting the expansion of the country's tax base (Sustein; Holmes, 2019).

Investment in public health is a *sine qua non condition* for the materialization of other rights (Sustein; Holmes, 2019). It is a global parameter to define the level of development of a state. Thus, like education, it is a pillar of human development essential to reducing poverty and increasing labor productivity, employability and income, which translates into quality of life and optimization of resources, as well as expanding the country's tax base.

It is known, then, that investment in freedom of expression is essential to democracy. In addition to contributing to the fight against corruption, it allows the qualified exercise of political deliberations and promotes scientific and informational progress. In countries with less accelerated development, it even contributes to preventing endemic hunger and enabling social inclusion. All these rights, understood as selective public investments, provide the necessary conditions for individual self-development and social cooperation (Susteisn; Holmes, 2019).

The qualification of rights as public investments makes it possible to take a closer look at the responsible and fair imposition of rights. It is important to monitor whether the money invested in the protection of rights benefits the population in general or its vast majority and not just a small group with privileges. As rights are protected up to a certain limit, and this limit depends on budgetary decisions on the destination of scarce public resources, its understanding as investment can influence the formation of the State's agenda of commitments (Susteisn; Holmes, 2019).

The cost of rights is not only directed to budget calculation issues. His reflection also deals with issues of distributive justice. Thus, investments made by the State in strategic rights, that is, rights that provide opportunities for a more active and productive life, create favorable conditions for individual self-development and the coexistence, cooperation and development of the country. The channeling of public resources into rights that stimulate the initiative of people allows beneficiaries to be seen as potential producers (Susteisn; Holmes, 2019).

The minimally equitable distribution of essential public goods by the government contributes to the population cooperating with its responsibilities. Liberal societies, such as the United States, see advantages in the exchange of rights for social cooperation. It is also a strategy that aims to prevent tensions arising from class disparities from jeopardizing the stability of the social contract in peacetime, and internal disarticulations arising from foreign threats in times of war (Susteisn; Holmes, 2019).

Faced with the impossibility of a democratic government, it is necessary to ensure the use of the rights that it claims to guarantee in the same dimension for the entire population, at least reducing the impression of benefiting certain groups to the detriment of others (Susteisn; Holmes, 2019). In this sense, rights that encourage social ascension, self-discipline, and social cooperation constitute selective investments that should be part of the package of government policies necessary to improve the quality of life of the population.

Attention to the strategies of the State, with regard to the choice of the package of rights that provides greater benefits to the population, requires reflection on the channeling of scarce

resources in an effective way in the face of changing problems and opportunities (Sustein; Holmes, 2019). The analysis of the cost of rights allows us to view the public good in a broad way, so that the rational choice of rights that should be part of the State's policy agenda and the budget ensures that economic growth and human development go hand in hand.

The post-88 Brazilian reality deserves to be reflected in the light of the work *The Cost of Rights*. The lack of harmony between the indices of economic growth and human development in the Brazilian reality reveals that the country still lacks state policies committed to broad development. The balance between economic growth and human development is imperative so that the developmental process occurs with the greatest possible integrality.

The work is a warning in the face of the fallacies of the implementation of a welfare state without any parameter of rationality, as if the public budget sprouted on a tree. It also draws attention to rights that must be included in the agenda of public policies and in the state budget, such as education, health, social security, work, private property, freedom of expression, among others, in addition to the promotion of microcredit policy. Therefore, it is a lesson of value that should be taken by managers in Brazil, especially due to the scarcity of resources in the public coffers.

On January 24, 2022, the President of the Republic, Jair Messias Bolsonaro, sanctioned the 2022 budget, through Law No. 14,303/22⁹, with significant cuts in strategic sectors for the country's development. Of the total of R\$ 3.18 billion in budget cuts, the Ministries of Labor and Social Security had a cut of R\$ 1 billion and Education of R\$ 802.6 million, concentrating more than half of the total amount of budget cuts.

Health, an essential investment in the fight against the pandemic of the new coronavirus, had a cut in resources in the amount of R\$ 74.2 million. Other cuts affect strategic sectors and announce an even greater trend of decline in the country's human development index and the growth of the abyss between fronts necessary for the integral development of the Brazilian State¹⁰.

In this vein, strategic planning for responsible investments in rights that have the power to contribute to the simultaneous progress of several fronts in favor of the integral development of the State – with emphasis on the fundamental objectives of the Republic of Brazil – must certainly include, in the agenda of public policies and in the budget, fundamental rights, social rights, economic and cultural policies that create opportunities for training, self-discipline,

⁹ See: https://in.gov.br/en/web/dou/-/lei-n-14.303-de-21-de-janeiro-de-2022-*-375541502

¹⁰ For more information, see: <https://www1.folha.uol.com.br/mercado/2022/01/bolsonaro-corta-r-32-bi-do-orcamento-mas-mantem-reserva-para-reajuste-de-servidor.shtml>

social inclusion and social cooperation, without neglecting environmental protection. It is hoped that the motto "Brazil, the country of the future" will go from a novel to a reality.

5 Conclusion

The notion of development of a state was once restricted to that of economic growth, without taking into account social indicators. In contemporary times, it is impossible to think about development without the State ensuring free enterprise and the market, as well as executing public policies that materialize rights in favor of improving the living conditions of the population. The combination of interests collaborates for the broad development to be realized.

In order to guarantee development, the Brazilian Constitution of 1988 attributed values to the economic and social orders that must be read with glasses on the fundamental objectives of the Republic to be pursued by the State. The level of civilization that is expected to be reached by the country requires commitment from the public authorities with regard to the materialization of rights. However, the realization of rights is limited by the scarcity of public resources.

The study analyzed how the thinking of Cass Robert Sustein and Stephen Holmes, in the work *The Cost of Rights*, can contribute to planning the development of Brazil after 88 from the awareness that rights are expensive and that budgetary resources are scarce; justified by the lack of equalization between the indices of economic growth and human development in the country, published in the latest research, and government cuts made in the 2022 budget in strategic sectors for development that distance the Federative Republic of Brazil from the achievement of its fundamental objectives.

The analysis of the work *The Cost of Rights* allowed us to conclude that selective investments in rights that encourage training, self-discipline, inclusion and social cooperation should be prioritized in the public policy agenda and in the budget, in order to contribute to the achievement of the fundamental objectives of the Republic – among them national development – and to provide conditions for the population to enjoy a minimally dignified life.

States and institutions that do not offer opportunities and do not develop human capacities tend to perpetuate social inequality. The minimum level of civilization requires the Brazilian State to plan responsibly and materialize fundamental, social, economic and cultural rights, without forgetting environmental protection based on a rationality that allows for diversified

development and attention to the future of humanity.

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Received: 02/25/2022
Accepted on: 04.01.2022