

COMING OUT: HUMAN RIGHTS PROVIDE THE BEST PLATFORM FOR PROGRESSIVE POLITICS IN OUR POST-POLITICAL AGE

We need to acknowledge that social democracy was a wonderful accident of circumstance, and that it is, sadly, either going or on the way out of our public life. Perhaps it will return. But while it is away, human rights must step into the large gap it has left in our public space. It is progressive politics for our capitalist, post-political age.

Traditional politics once did its best to deliver decent life chances for all, whatever their background, class or wealth. Politicians were informed by a basic commitment to equality. This was an equality rooted not on outcome – where we ended up – but rather on access to opportunity. It was driven by an esteem for every individual's capacity and potential that was a million miles away from the dreary, compulsory equivalence which its critics unfairly claimed was what equality entailed.

A vital part of this approach was universality – we paid taxes together when we could and drew benefits when we needed them – there was no categorising people as 'deserving' or 'undeserving' – we were all together sharing a bit of land in the brave escapade of living together.

This old politics was rooted not only in equality but in a respect for the dignity of all of us that made sense of that equality. It did not call itself a human rights approach, because it did not need the term: it had other phrases – like social justice; justice; and fairness – that would do just as well and an organisational ideology – social democracy – that delivered the power needed to effect real change.

But nowadays progress needs human rights.

THE FIT

There is more to this than simply a case of shared values. Human rights protagonists are committed to the outcomes towards which old politics used to strive. From the [1948 Universal Declaration on Human Rights](#) onwards and especially via the [International Covenant on Social, Economic and Cultural Rights in 1966](#), the list of human rights has always included the basic necessities of human flourishing – such as rights to an education, to health, to work, to social assistance in bad times, and much else besides.

Despite its apparent utopian extremism, pragmatism has always been part of the human rights oeuvre, with many of the more ambitious entitlements now coming with the price-tag 'progressive realisation'. Neither does the subject come along with the counter-productive extremism of the ideologue: the right to property (including the property beyond your needs that you happen to have) provides exactly the kind of contact with reality that politics is used to and radical, unidirectional interest groups eschew or reject.

Human rights tell us not only what we ought as humans to have but how we should go about getting them. The closeness of the subject to social democracy is most evident in the commitment that each has to the indispensable role of democratic politics ('[civil and political rights](#)' as the human rights people describe it) in realising their shared ethical aims. And increasingly too, the human rights perspective acknowledges the duty that lies on a

state to intervene to achieve the right, human rights outcomes. What human rights people call 'positive obligations', old style politics called the enabling role of the state.

We may confidently conclude that given the way it has developed over the years, human rights has lost the individualism and the blinkered one-issue view of the world that it might once have been validly accused of having. It has matured into a way of doing progressive politics, sharing an egalitarian ethic, an understanding of the role of government and a consciousness of the need for democratic engagement with more formal political operators on the left of our political spectrum.

SO WHAT'S THE PROBLEM?

To work as politics, however, human rights need first to slew off a lot of baggage from the past. It may look like politics but it is not (yet) felt as politics.

First we need to work around the fact that the recent history of our subject has seen it grow out of anti-politics. The 1948 Declaration never caught on because it seemed so much to stand outside and apart from the big political questions of the moment – the rival models of the world offered by capitalism and communism: being in neither camp it ended up being brutally used by both, a plaything in the 'no-mans-land' of the Cold War.

When human rights began once more to take off in the late 1960s and early 1970s, it was not because of the international covenants with their careful words and nuances; rather human rights were incarnated in the work of moral activists whose greatness lay in the rejection of the politics around them – the politics of communism in the Soviet Bloc, of authoritarian tyranny in Latin America.

Linked to this rejectionism and giving it strength is the moral certainty that has long surrounded human rights. This is not in the law but in the minds of those who see in human rights an antidote to the disgraces of politics (the compromises; the deals; the concessions to power).

For many, human rights have seemed a temptingly quick route to that state of ethical Nirvana which the great patron saint of human rights Vaclav Havel has called (in a title to one of his books) *Living in Truth*. But it is hard to do business with somebody who is not only always right, but always better as well. What might have been true in the particular circumstances of Eastern Europe and South America in the 1970s and 1980s is not necessarily true everywhere, all the time. It cannot be true if the circumstance is democratic politics – as the churches have found (and human rights need to discover) preaching is not the same as dialogue.

The depth of this human rights' separateness from politics is nowhere more evident than in its embrace of law. Wandering about outside the main narratives of the cold war, human rights seized on law as a neutral force that it could seek to possess. To the dissidents of the 1970s, law appeared as a moral force – a set of truths – through which to counter the political decay that they saw all around them, a kind of morality in action.

The idea of human rights has had great success in law: with the increased democratisation of the world, more and more states have constitutional courts enforcing bills of rights, and international bodies increasingly see an individual's capacity to take legal action as a test of

their very worth. But the price paid for this is to turn the whole subject over to the lawyers and in doing so to bleed it of its radical energy and political potential.

And finally being unsure of itself in the political field, the human rights idea has allowed itself to be drained of life and energy, too vague to give offence, too easily co-opted across the political spectrum, too gentle to be truly challenging – appealing to all, it impacts on none.

OFF THE FENCE

We are living through a time of immense political turbulence during which the gains of social democracy are being set aside under cover of an emergency produced by capitalist excess. This is happening in the confident belief on the part of those driving it that no counter-story can be credibly shaped which will be able to survive this blitz – the unions are old hat, the churches neither here nor there, and equality an unaffordable thing of the past.

To resist effectively requires just such a narrative, one that makes sense of why it is wrong and offers a fresh approach to the problems of the moment. It is because he imposed no story of his own that President Obama has become a prisoner of events in America, reacting to the truths of others rather than staking some out for himself.

HUMAN RIGHTS FITS THE BILL

Human rights reflect an approach to the person which emphasises both the social nature of us all and the need each of us has to equip ourselves to lead successful lives. The idea of rights carries with within it the message of moral imperativeness, and the legal framework that is already in place permits a speedy fleshing out of what this respect for human rights truly entails. And we should not be afraid of saying that these days what this involves is radical

- fairness with a hard edge
- a zeal to eradicate circumstances of injustice and structured disadvantage in order properly ensure that human flourishing should not be accorded as a matter of right only to those whose birth and social situation have guaranteed it anyway.

Human rights can work in the speeches of a progressive politician seeking to explain why equality counts while not wanting to be manoeuvred into a contrived political ghetto, marked 'old time socialism'.

They can assist the labour movement in articulating why attacks on living standards need to be resisted wherever they occur.

Human rights can also work on the streets as a galvaniser of political action in defence of equality and universality, two totems of past decency in desperate need of being shored up.

And law has a place too, as a defender of past gains which have fought their way onto the statute book.

AND THE FUTURE?

The human rights idea will know it has come of age when reactionary politics resists them for then we will be sure they have found their true meaning. And if ideas of social justice and social democracy ever do return, they will find the candle of equality has not been wholly extinguished in their absence.

Professor Conor Gearty

11th October 2010

Published at <http://therightsfuture.com>