

RESPONSES TO TRACK FIVE

A RECANTING

I made a mistake in using the term 'Hatred' in the title, Antonio and Jose-Manuel Barretto were right to take me up on this and I will make sure it disappears from any final product that this project produces: it was a misjudgement on my part.

RIGHTS AND DUTIES

What I will stand by, though, is the idea that the essay cannot be just summed up as, to quote Damien Shortt, 'The powerful have duties and the weak have rights'. I think my point is that the powerful have less *need* of defending their rights because the system is designed to secure such rights for them. It is for this practical rather than theoretical reason that human rights tends to concentrate on the disadvantaged.

(Thank you, by the way, Damien for the reference to the Gayatri Chakravorty Spivak essay.)

The importance of supporting the weak is graphically brought home by Christina's posts and by Luis Paulo Bogliolo's worrying reports from the limitations imposed on the judicial process in Oklahoma.

THE DANGERS OF CATEGORISATION

I agree with Zoe Fiander, however, that the wider you define rights, the more ambitious you make them, then the greater the possibility that you do have a clash between the rights of 'givers and takers' (to use my way of putting it, which I acknowledge not all of you liked, especially Antonia and Jose-Manuel). Since that is right, there is here (in Zoe's astute phrase) a potentially 'deep tension' between 'us' (the takers) and 'them' (the reluctant givers).

To get round this, I do think we are back with Anthony J Langlois's insight about the centrality of justice.

More and more I think Anthony is right that we need this concept of justice to explain not only which bits of the world we want to favour ([track four](#)) but also to explain why we can take things from some people and give to others – the answer (along the lines of *this* being fundamental to humanity and *that* being just an add-on, so you can keep *this* but we are going to take *that*) requires a theory of justice to explain itself. I think this meets Antonia's anxiety about 'the limits of what people can demand'.

I do think, though, that Anthony is right that 'charity is not justice'. Jose-Manuel rightly reminds us that dignity does not depend on anyone, that 'the dignity of the victims does not depend on somebody else bestowing it upon them'.

Charity is good and important, and giving (rooted in empathy) an important part of the human rights story. But it is not the only part, for sure.

REVOLUTION?

Your responses were rightly anxious about being too quick to embrace the revolutionary path. I think this must be right, and also that we need to be careful in human rights least we too speedily deploy force against Zoe's 'them' or what Favio Farinella neatly calls the 'bad givers'. Whatever its initial merits, it risks leaving (as Anthony reminds us) 'atrocities in its wake'.

A really interesting thread to emerge which connects with this was started by Paul, with his reporting of the puzzlement that the Africans' desire to be left alone provoked at the (idyllic) camp he describes: 'they wanted the chance to be brave takers.' Here is the word 'want' used in its double sense: they desired the chance but felt it was being denied them, they wanted but were in want off. The thrust of Favio's moving post is relevant here, that 'for victims human rights can only mean struggle' and the point of Paul's post (and Damien's second contribution) is that they must not be spoken for exclusively.

AND PROPERTY?

To Paul Bernal and Zoe I say 'watch this space!' Yes property is a fundamental challenge for human rights, and my track 'Down with Constantine!' deals with it – cognoscenti of the European Court of Human Rights might guess why I have given it this title. ...

AND A TWEAK RATHER THAN A RECANTING

Holly Bontoft rightly takes me to task for baldly declaring that we should not 'rely' on various supports from the law, the constitution, religion and so on in our push for human rights. It does read like a counsel of despair – you are right Holly. I should have said 'rely exclusively on' – in other words, of course we should put reliance on whatever we find that we think might be of use in our project but we should not just *expect* success, nor should we stop doing other things because we have found this particular and (we think) *reliable* route to our goal. A cliché sums it up: 'human rights activists should never put all their eggs in one basket'.

WHAT WE ARE ABOUT

I end by acknowledging Louise Thomson's excellent post, which summarises much of what we have all been doing here at www.therightsfuture. I do not think Louise is wrong when she says about how our project has been unfolding:

'I see the push to talk of violence, Darwin, brave takers and other controversial topics in the field as a move to go beyond modernism and postmodernism and to actually argue for universal human rights with new tools.'

I hope that over the coming weeks we can all continue to do this – and maybe – just maybe – these new tools we are fashioning will have a lasting, beneficial effect.