

PUTTING UP WITH PROPERTY

Paul Bernal asks about achieving a better balance with regard to property. He thinks as I do that the Convention as it has been interpreted is far too relaxed about the accumulation of money.

I wish we had a system where there could be democratic expropriation over a certain sum, and in which everybody's financial affairs were entirely transparent. We have the technology to be able to do this – but we don't have the political will, I appreciate that, and also (sadly) we might never have. If there were such a will human rights could easily fall into line with it – the kind of fairness and openness these changes would entail would go with the grain of human rights for sure.

It's just that the will is not there I fear.

As Alex says 'people just won't go for it'.

Maybe Zoe Fiander is right that the Protocol to the Convention is the best we can do, especially bearing in mind Zoe's idea about an instinct for property ownership (on which see the fun (and very short!!) talk about human universals by [Donald Brown](#) and much more if you want it in [his book](#)). But I think that for all Richard Buck's idealism we are *stuck with property* – maybe Favio Farinella is right when he says that the kind of selfishness that gives rise to property ownership is 'not an attribute of capitalism, but a constituent element of human nature.'

PLAYING A KANTIAN TRICK

I like a lot Richard's idea of taming property by turning it into a means (towards happiness) rather than an end in itself – a point echoed later by Zoe when she is thinking about property as 'answering a human need' while not being 'a human need in itself'. (I see Paul liked this a lot too.)

I think what these two interventions show is how important it is to have underlying values that explain your support for rights, show why you like some a lot and others not at all. Favio Farinella's fascinating account of the way human rights were worked through in Argentina during that country's financial crisis gives us another example of the same point in play, with property arguments succeeding there when they led somewhere else (health, education) but not working when they tried to stand on their own.

As for me – I'm with Richard and Zoe: let's instrumentalise rather than fetishise our inclination towards the exclusive possession of things.

WHAT DO WE MEAN BY PROPERTY?

Joe Hoover and Zoe are right that we need to think hard about the kind of property we have in mind when we make practical suggestions for its subjugation: Joe especially does a lot of careful work in his post in thinking this point through (and, by the by, mentioning a book by Neil Stammers which I think one of the best treatments of human rights to have come out in past few years - [Human Rights and Social Movements](#)). And again by the by I remember reading [Bill Gates's commencement address at Harvard](#) (delivered in 2007) and being very moved by it – doesn't read like the thoughts of a human rights violator!

But I don't think that, much as we might like to, we can pull off Richard's later suggestion that property 'not be considered a right.' As Anthony J Langlois reminds us, however much we might not like it, 'the contemporary international human rights regime is one which is born out of a liberal political philosophy and history in which notions of property are central'. We are back with being stuck with property I fear.

(Incidentally I think that the way the right to property is worked through in law is often along the lines Richard identifies with distinctions being made in practice between the differing needs of rights-holders.)

BUT WHAT DOES OUR HOUSE ICONOCLAST THINK?

I doubt he would agree with Richard or indeed (though he is too polite to say so!) with much of my track.

Alex is fast emerging as the brave 'sayer of the unsayable' in our project and all the more welcome for that.

He defends property as 'sacrosanct ... a basic and inviolable human right' and he would not, I think, worry so much about inequality, emphasising instead a merit-based society - one in which opportunity is there for all but the rewards of it can be kept by the achievers who seize it (and I guess their families).

I wonder what Alex made of Federico Burlon's excellent summary of Robert Nozick's views on property? I fear, Federico, that Nozick (of whom Federico is critical and whom I can't abide) may have a new disciple!

The interchange between Alex, Paul, Zoe and Richard rehearses the key points – I couldn't help noticing that Richard's fundamentals took him into education and he distinguished between primary and secondary (free) and tertiary (different sources of funding) – for myself I feel that the university debate just now is about a lot more than money – it goes to the core of the kind of society we want to have here in England: I agree with Anthony about the importance of this debate as an illustration of general principle – I develop my perspective in my [side track on higher education](#).

(As someone who 'tends to crave minimal government in general', Alex will I hope have something to say about my attack on libertarianism, which I think

of as a 'dangerous ally' and warn about in one of my tracks on [manifesto point eight](#).)

'FLOURISHING'?

Richard and Paul pick up on this idea. Yes it's a good word, and vital. This notion of people leading successful lives of flourishing permeates what I mean by human rights. And when I think of flourishing I think of more than people simply doing what they want - I think of them making the best of themselves. So for me it does have this moral dimension. I think I will need to come back to this for sure – and probably when I write again about religion. Human flourishing is a very old idea, and may well have got going properly in ancient Greece, but it's also very much a part of how many of our mainstream religions view the world.

PET DOGS?

Can we own sentient beings, particularly if as I'll be arguing ([manifesto point seven](#)) that they can also have rights? I think, Anthony, that for me the answer has to be 'yes' and 'no' – pet dogs are not the same as slaves but that is not to say they do not need and have rights. As I say, more later.

AND AN AFTER-RESPONSE TO AN AFTER-THOUGHT

Christina comes in with a late comment on Track 2. I know very irregular and all that but can human rights people be also sticklers for *all* the rules?

Albie Sachs is a great man. And a terrific judge. Did you all know he is also an inspirational speaker – in my seven years of doing public events at the centre for the study of human rights at LSE Albie's speech to us (done without a semblance of a note) was the most majestic, the most inspirational of all the

many wonderful talks I was lucky enough to hear: you can get something of a feel for it from the [transcript](#).

LAST WORDS ON PROPERTY

As Joe Hoover neatly puts it 'It's very easy to defend a human right to possessions/wealth adequate to provide for a comfortable and dignified life. It's much harder to justify a right to unlimited wealth.'

And Favio who puts his finger on it I think:

'the point is greediness, not individual property.'

So....

It's not money but the love of money