

LEAPING OUT OF THE BOX

Why human rights matter

Right at the start of this project I argued for a [manifesto](#) for human rights, a declaration of ten principles around which the subject should organise itself. I believe that these principles hold the key to our subject's future, to securing the *right* rights future.

As this phase of the project draws to a close, I'd like to reflect on why I think human rights deserve this attention. Digging a bit deeper into the origins of my point of view, I can see that there are ten assumptions that I have been making about human rights along the way, unspoken perspectives that explain the view I take and the optimism that I bring to my argument.

It is right, now, to pull these thoughts to the surface – will they survive the scrutiny that comes from such exposure?

If not the argument that flows from them is in trouble.

What do *you* think?

WORDS FLOWING FROM WITHIN

The first point is that the language of human rights is well placed to make the impact the project's manifesto claims for it. It is in pole position so far as contemporary expression of the [instinct for caring](#) is concerned –

– and here we encounter the first three assumptions that drive my approach to rights:

- (1) *The meaning I want to give to human rights captures a truth about ourselves which is part and parcel of what we are, an essence not a construction. The subject dies without it*

Human rights assert that there is something about the fact of each of us that makes every one of us count, that the esteem in which a person is held is rooted not in what they have or who they are or where they are from but in the fact that, simply put, they are. [Track 3](#) and [track 4](#) try to get under the skin of where this claim comes from.

This assumption exposes my belief that without it the idea of human rights disappears as a firmly rooted perspective on anything – it becomes a floating signifier available to all. In such circumstances, sure we can fight for our point of view but we can have no claim to its supremacy over any rival versions of human-rights-truth.

And the two further assumptions within this assumption:

- (2) *Human rights are about caring, about reaching out to the other, empathising with the stranger,*

and

- (3) *Human rights constitute the best language available at the current time to achieve a society in which all have the best chance to flourish in their lives*

Both of these perspectives are controversial. They give the language of human rights a dynamic character, with rights (and even rights language itself) ebbing and flowing as the moment demands. They hinge on my belief in the relative quiescence of other progressive talk (relative that is to the potential of human rights to do better work in this area). If any of you think that 'socialism' or 'justice' are better rallying calls, now is the time to say so.

TAKING AS WELL AS GIVING

Human rights are not an ethic separate from the world but are deeply immersed in the public morality of living together well. They do not float into one's hands, delivered by some angelic collective good. So it follows:

- (4) *Human rights are an attitude to fight for in politics.*

They are a way of looking at the world that demands that all being seen be accorded their due. [Track one](#) sets out this stall right from the start, and the project stands or falls by it – tracks like those on [property](#) and [righteous anger](#) show how it works in practice. If human rights were above politics they would not be worth having and would not in any event exist: politics are what we are when we are together.

And it must follow from this that human rights stand not just for receiving the gifts of the compassionate but for action for the self as well, for asserting one's will, both singly and in association with like-minded others:

- (5) *Human rights are about empowering the disempowered to seize control of their lives as a matter of right ([track two](#) and [track five](#))*

Now this 'self' for whom human rights act both as protector against wrong and as platform for asserting a better future is an enriched self, one whose personhood thrives through association with others ([track ten](#)), one which is at home with religious faith but without ever being required to have it ([track thirteen](#)), and one which is collective where this is needed but not to the point where the individual is subjected to any kind of grander general will ([track eighteen](#)).

What is the common link in all this?

- (6) *The project assumes the self to be the starting point for human rights, seeking to enrich the term with a wealth of identity and solidarity for sure, even to build an emancipatory story while working to avoid the pitfalls of the [selfish self](#) – but without ever losing this focus on the individual person as the basic building block upon which hinges the necessary truth of human rights*

I appreciate from the responses to [the rights of people](#) that this is perhaps the trickiest assumption of all of those that I have made.

TRANSCENDING BOUNDARIES

LSE's [Space for Thought Literary Festival](#) next week (at which our project ends) is called CROSSING BORDERS. This suits human rights perfectly.

(7) *The study of human rights is not an academic discipline, a zone of learning with discrete methodologies, autonomous ways of thinking, its own private language and cohort of scholarly leaders.*

Of course there are departments that focus on the mechanical offshoots of the human rights idea, technicians of constitutional rights, of human rights groups as part of social movements, of philosophical ideas like autonomy and liberty, and the like. But these are bit parts of a broader story, not the main act.

Here we come to what I think is one of the main reasons human rights as an idea has succeeded to the extent that it has. It is an intellectual [cuckoo](#), thriving on the use it has made of the nests of other ideas.

Consider the sweep of intellectual history so brilliantly described in Michael Sandel's account of [Justice on BBC4](#) recently (and I hope the link is still available when you read this). Sandel discusses the influence of three pivotal thinkers, Aristotle, Immanuel Kant and Jeremy Bentham on the way we think today. He never mentions human rights but what clearly comes through is how our subject is a cuckoo's collage of past thinkers' best bits.

- From Kant we have taken this idea of the absolute importance of treating the individual correctly, of respecting him or her as a person and of never reducing such a person to being a mere instrument of our will.

This works well with what we think of as unqualified rights but which are in fact uncompromising prohibitions: the refusal to countenance torture and slavery are the clearest two examples. But carried too far it can seem too extreme, unreasonable even – as Kant often appears, even to his followers today.

- So from Bentham human rights takes not the crudity of happiness at all costs but the need when we are realising rights in law sometimes to subjugate our ideals to the exigencies of the moment, to qualify our view of what rights entail to take account of what might be deemed 'necessary in a democratic society' (to borrow a phrase from the [European Convention on Human Rights](#)). Thus is the deal reached between representative government and the dignity of the person – Kantian on essentials, Benthamite on means so long as they do not destroy these essentials.
- From Aristotle we get our rich reading of human rights, the one which this project has consistently followed, the idea of the moral goal of human rights being the creation of a platform for our better selves, albeit (and here maybe we differ a little from Aristotle) with the idea of what is better being left to us, with the only demand we make being that we think about the question and address seriously the challenge of leading a successful life – what Ronald Dworkin in his [recent book](#) calls our ethical obligation.

The promiscuity of human rights extends across departments, plucking the importance of place from Anthropology, a sense of transcendentalism from Theology (albeit without God), the value of morality in international affairs from a branch of IR, and much else besides.

I could go on.

(8) *A great virtue of human rights is its relative intellectual incoherence, its freedom from the disciplined thought required within disciplines. Its strength hinges on a kind of energetic flexibility that would be impossible were the subject more pleasing to those who value deep and consistent thinking above all else.*

Freed of the discipline of discipline, the human rights perspective roams free across all fields of study, throwing itself into every sort of disciplinary battles – a kind of ethical shop steward for the species (and indeed beyond, into [animals](#) and even [trees](#)).

SOARING FROM THE IVORY TOWER

It is this vital, vibrant stupidity that allows human rights to escape into public discourse to impact on corporations ([track twelve](#)), to be the successful focus for emancipatory movements everywhere ([track two](#) and [track five](#)), to reach hearts as well as minds ([track four](#)) and even to resist (using all its weapons: compassion; law; solidarity) the counter-terrorism juggernaut ([track fourteen](#))

AND LAW?

My own specialist field and the one on which my assumptions are hardest to flush out:

(9) *Human rights need law, but as the messenger of ideas rather than their creator*

More on this and on law generally next week, when – in the final essay in this series – I turn to what the right human rights future would look like and how best to get there. Law has a huge part to play in this, a supporting act that is always veering towards centre stage.

And my tenth assumption, in many ways the one that makes this project possible, which drives me and I suspect many of my readers and contributors too

(10) *There is a right rights future – and it is one that is worth fighting for, not only because it is right but also because it is achievable*

More on this as well, next week and at the [Literary Festival](#) the following Thursday.