

Why Human Rights are an Alternative for Progressives

[Presentation by Catherine Albisa, NESRI Executive Director, at the Left Forum on March 15, 2008]

The title of this panel is “Radicalizing Rights,” but the theme of my talk is that human rights, as classically defined in the human rights system, are in fact already inherently radical in the sense that they require genuine structural change, and the challenge is not to radicalize them, but rather to rescue them from an environment and history of use that deprives them of their original meaning and severely hampers their potential for social transformation.

I want to start by comparing how human rights have been used to what they actually say and demand. The most problematic uses of human rights standards, of course, have been by governments manipulating them towards political ends that are not relevant to human rights values or goals, or even diametrically opposed to those goals. This was the central dynamic in the cold war, with each side claiming a different set of rights to stake their ground on.

Today, our own government continues this dark tradition. Of the many half-baked and unconvincing arguments to justify this most recent illegal war in Iraq, the claim that the United States had to invade because the regime of Saddam Hussein severely violated human rights was among the least credible. Not because the regime didn’t commit those violations, but the proposition that it was a primary motivator for many obvious reasons was deeply dubious. And it is no small irony that this supposed war for freedom and liberation has set this country on a path of open torture and indefinite detention.

Despite government manipulation of human right throughout the decades, civil society has never rejected the possibility of a different role for human rights standards. But it is human nature to project one’s own world view onto any system – especially one that has significant appeal. As a result, much of the civil society use we are accustomed to seeing and hearing about involves influential U.S. or northern based NGO’s working on narrowly defined civil and political rights violations. This is changing, but I will touch on that in a moment.

When you look historically at the vast majority of human rights campaigns by major international NGO’s, you will find that many of them could have been brought under the U.S. Constitution – and the only reason they weren’t is because they were waged around events not happening in the United States. One exception would be the important death penalty work that has been done – but nonetheless even that campaign fits the criteria of addressing an issue of where government affirmatively violates a civil right (the right to life).

Lets examine the potential and limitation of this work. On the one hand, it validates the notion that rights are universal and borders should not define how each human being is valued, recognized and/or protected under government. It also strongly critiques government interference with a particular set of rights in the civil and political sphere reinforcing right of people to limit their governments to prevent abuse. These are extremely important concepts and underlie significant aspects of human freedom, equality and dignity.

But the past silence on all else that human rights standards address is deafening. Let us look at what human rights standard actually say and trace the outline of that silence. When the human rights system was founded in the wake of the atrocities after WWII it supported 5 key legal ideas important to progressive thinkers.

1) All human rights have both negative and positive components (i.e. they address both what government should and should not do);

- 2) Human rights include the economic and social sphere, in particular issues of education, housing, health, work, food and social security;
- 3) Rights are universal, transcending national borders, and their legitimacy is no longer dependent on national recognition;
- 4) Prohibitions on discrimination in the protection of human rights extend both to the purpose and the effect of government action and inaction; and
- 5) Human rights are interdependent and cannot be viewed in isolation.

Now what does the full framework require of us? Quite a great deal. First, it requires us to see rights as being grounded in social relationships rather than merely in barriers (i.e. keep the government from you). We have to honor mutual obligations and live within a system of social solidarity where all people's needs are met.

Through its demands to protect economic and social rights -- it requires a fair distribution of existing resources not based exclusively or even primarily on what each individual is able to produce, but rather on each individual's fundamental rights and needs. And these are not mere survival rights -- it is not, for example, enough to provide food for everyone to survive -- that food must be nutritious and safe, as well as culturally and socially acceptable according to the standards.

Similarly, it is not enough to provide shelter, but rather housing that is culturally adequate and allows for all the common and basic activities of a family. Within the right to education, we must respect the child's dignity and autonomy -- not merely that she or he have a seat in the classroom.

Human rights standards in essence prohibit the creation of shame and social exclusion that leads to abject disempowerment. This strongly addresses and limits the kind of stratification permitted in a society and goes beyond a simple and facile definition of "non-discrimination" -- I would argue that human rights collectively require the social inclusion of every person as a valued member of society.

And human rights work has not focused on a narrow civil and political negative rights vision -- despite the fact that this fraction of the work is most visible. This broader vision of human rights is the one that poor people's movements throughout the world are struggling to reclaim. And it includes the United States. In the Gulf Coast today, displaced public housing residents who have had to watch their belongings set out on the sidewalk while perfectly sound housing is demolished are using the language of human rights to protest. In Los Angeles, impoverished parents are demanding that their children be afforded the human right to dignity in schools rather than pushed-out and criminalized. And ordinary people are coming together to claim healthcare as a right, rather than a commodity.

Organizations like mine are supporting these efforts through research, analysis, documentation and networking support in the U.S.. We essentially support communities groups and social movements advancing the notion that fundamental human needs are basic human rights.

This concept resonates strongly with communities that have no human rights protection. We have much more work to do to translate that resonance into obligations for policy makers, but we believe this long term foundational social justice work is a key aspect of sustainable change for the future.