Global Campus of Human Rights

Podcast Series 2 – Hope-based human rights

Episode 1 – To hope or not to hope?
George Ulrich

Hi, this is To The Righthouse, a new podcast series by the Global Campus of Human Rights. From scepticism to hope, from utopia to empathy, we discuss human rights, riding waves, but also signaling where the light is. This podcast was recorded in Venice, Italy, on the island of Lido at the Global Campus headquarters.

Graham Finlay (GF) - Welcome to the Global Campus podcast To The Righthouse. My name is Graham Finley and I have the pleasure to host the second series entitled 'Hope-based Human Rights'. With the second series we want to move away from crisis narratives or human rights discourses focused on denouncing wrongs and instead try and argue that discourses based on hope, empathy and solidarity are more effective frames to talk about human rights. To do so, we've invited five experts who will discuss a different theme each week: from the need to stress positive human rights achievements, to the power of telling a human story. We will start today with an introduction on the importance of positive human rights and a key question: to hope or not to hope? For this, it is my honour to welcome George Ulrich, Academic Director at the Global Campus of Human Rights and previous host of our first podcast series. Thanks for being with us, George.

George Ulrich (GU) - Thank you, Graham, very much. It's a great pleasure to be with you and to join you in this challenging and interesting topic.

(GF) - So hope is an emotion, and fear is an emotion, and they're powerful emotions. Is it true that we are driven more by emotions than by rational thought?

(GU) - I'm not really sure, Graham, if it's one or the other. I would actually like to rephrase the question slightly - maybe it's going more on the emotional side, I'm not quite sure - but to rephrase the question and ask: are we driven more by a sort of inherent sense of injustice and the need to correct wrongs in the past, a visceral reaction to wrongdoing, to suffering to social injustice, even infused with anger and a sense of need for change? Or is our action driven more by a positive vision for the future? You might call that hope, you might call it aspirations; it's a sense of wanting to forge a just and functional and enabling society. Which of the two? If those are emotions, then the question to me is: which of the two emotions is stronger? Or is it rather a sense of complementarity and interplay between both? And I'm probably inclined to go down the latter road, but let's see where our reflections take us.

(GF) - I mean, again, this isn't just for us in our own enjoyment of our rights or our lives or living our lives. It's also about communicating to other people. So, how do you think we could promote this hope-based, this positive vision of human rights in our communications with others or trying to get them to engage in a particular spirit with human rights?

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(GU) - I think I have two thoughts in this regard, offhand, Graham. As I said, I'll anticipate that I also want to go back to the sense of indignation and anger and injustice as part of the package as well, but to stay with the affirmative message as you are phrasing it, I think, first of all, it's very important to recognise that human rights aren't just relevant the moment they are violated or abused, that we maybe tend to focus on them when there is a sense that they're in jeopardy. But in fact, human rights are part and parcel of the entire fabric of the societies we inhabit. We take for granted that we won't be arbitrarily imprisoned, we take for granted that we have a certain freedom of movement, freedom of expression, right to make essential determinations about our own family life. We assume about all of those rights, and the fact that we don't think about them very often, is simply a measure of how successfully and how well they have been integrated in our societies. The point is that we need - as human rights advocates - to make that visible to counter the narrative that human rights are only really relevant for marginalized people, people on the outskirts of society or in jeopardy and trouble with the law. No, human rights are, in fact, relevant to all of us. They are enabling us exactly to be productive, successful, harmonious, members of society. That message, I think, is an affirmative message. It's one that we as human rights advocates need to articulate more clearly and more strongly. So there, I'm totally in line with you in the podcast series.

(GF) - Yes, I think that's a really good point: it's not just about us as individuals who might want the individual things. We have human rights too, but we live in a society where a lot of these can only be jointly realised.

(GU) - Yes, and we take many of those simply for granted without thinking about it: we take by and large effective rule of law for granted, we take a large degree of equal treatment and equal opportunity for granted. When there are questions about that, we start to think about human rights. But in fact, it's human rights that guarantee those premises in the first place, the way in which human rights have over decades, if not centuries, been integrated into the fabric of our constitutional democracies. So that's point 1. Point 2, which I think is also - to me at least - coming at all of this also, to a large degree, from a philosophical point of view, is I think: what are human rights about? What do human rights safeguard or protect? Very often, we think about this in terms of safeguarding and protecting our human bodily physical integrity, so the prohibition against torture, for example, arbitrary imprisonment, or even arbitrary execution and so on. That's a way of safeguarding our existential and personal integrity, or it's about safeguarding certain freedoms, whether it's freedom of family life, or freedom of movement, freedom of expression, what have you. I think there's also a fundamental positive aspect, not just prohibiting or avoiding abuse, but enabling us to be agents in our own lives.

There is a certain philosophical school of human rights called the capabilities theory, which is actually looking at human rights as something that expands capabilities, that expands our agency on many different areas of our lives, and conversely, sees abuse and poverty as a reduction of capabilities. Poverty is not just a matter of not having money to buy your next meal or to have to secure a shelter and so on. Poverty is a lack of access, poverty is lack of opportunity, and so on. And expanding access, expanding opportunities, expanding capabilities, is at the core of what the human rights agenda is all about. This is something that, for example, Martha Nussbaum, articulated with reference to a feminist approach to human rights expanding capabilities for all human beings, but for women in particular. Amartya Sen did this with regard to impoverished people in the Global South talking about how development is an agenda of expanding capabilities.

With regards to the agenda of other human rights for people living with disabilities, which is one of the relatively new and very important human rights agenda of the 21st century, that's very much, again, about expanding capabilities, about organising society in a way that facilitates agency for people coming at social life from different points of view, different backgrounds, and with a historical legacy of limitations and inhibitions. So I think this is a very important way to look at what human rights are all about. And it, again, helps to articulate an affirmative, what you might want to call a hope-based message.

(GF) - And it's concrete. I like that very much. And then, crucially, capabilities are important things that we want to either do or to be, states of existence. But it also involves the choice not to pursue a particular good in a particular way. I think that when we think about human rights, we know that they're inalienable, but that doesn't mean that we can force people's human rights on them. I mean, do you see the capability approach and this 'capability' way of thinking about human rights as a way for us to pursue our own path, and, you know, enjoy our human rights in the ways which we would particularly want, and especially maybe in a diverse society, or a diverse world, where we might have different priorities and different ways of of conceiving what enjoying the right to freedom of religion might be, for example?

(GU) - Yeah, I think Graham, this is a big discussion, it is sort of steering us in a slightly different direction. But it's an interesting discussion. Sometimes people have said, they look at human rights, the sort of moral self-assurance of human rights advocates, and they say: 'they're just a sort of new generation of priests, preaching an affirmative gospel'. I don't think so. I think the main reason that's not the case is exactly that human rights doesn't prescribe, doesn't tell us how we should live. It says something about parameters of coexistence, how we live together in society. But it's always premised on the fundamental idea that we are authors of our own destinies and there's space for us to adopt different choices about what we perceive as the good life, different choices even with regard to our perceptions of right and wrong in many regards, as long as they don't interfere with and inhibit the abilities of others to do the same. So the human rights normative framework isn't an objective, substantive morality. It's actually a more limited set of norms that exactly should enable us to fill in, to flesh out how we envisage, each of us in different ways, a good life and to live together, to the extent possible, with people on that account.

(GF) - Yeah, so I mean, I'm not accusing you of thinking this, but some people have seen this diversity of approaches to human rights, or their diverse views about the good life, or how to live together in society, and have advocated a minimalist approach to human rights, where you sort of pare it back down to a relatively limited set of human rights, maybe especially focusing on Civil and Political Rights, but also a sort of minimal aspiration in terms of just, and again, this is maybe the more negative side, just combating the worst kinds of violations. What do you think about that, that approach?

(GU) - Well, I think yes and no. And that's, the yes and no, is going to be part of my answer to many of the questions we confront today, Graham. So I think there's something to be said for the minimalist approach. I think it's very important that we don't overreach as human rights advocates; it's very important we leave space for different competing political visions, for different cultural and traditional normative frameworks, and so on. And I think the human rights agenda should be kept, in a certain sense, relatively lean. But that doesn't mean just to focus on prohibitions against

torture, on the right to life or freedom of expression, the sort of classical few human rights that are very widely affirmed and accepted. I think it's equally important to say there are minimum core standards with regard to economic and social rights, for example, whether it be right to education, right to health, right to participate in public and social life, which are all, I think, exactly expressions of expanding agency, what we were talking about before. I think you can adopt a quasi minimalist approach across the whole human rights spectrum and not just in a selective way, so that would be the kind of direction I would want to go in, in this.

(GF) - So I want to go back to the sort of dual emotions we were talking about earlier. And then you were saying it is complementary to human rights action and thinking of our lives in terms of human rights. I want to link it maybe to us living in a society because a lot of the social movements which pre-dated, and have now post-dated, the Universal Declaration of Human Rights, are predicated on maybe both those emotions, or do you see it that way?

GU) - Yes, Graham, I do very much. And I think we are, in much of our action, inspired by a sense of wanting to correct perceived and experienced wrongs. I was actually reminded of a quote by Walter Benjamin, the German philosopher, (from) his thesis on the philosophy of history, where he says somewhere that our action is nourished more by the image of enslaved ancestors, rather than of liberated grandchildren. And I think that there's something in that, but yet Benjamin is very much reviving or projecting a sense of Messianic hope for the future. So it's the interplay between visceral reactions to wrongs in the past and the sense of charting a hope-based path for the future. That's a very interesting connection to me.

(GF) - Do you think that maybe especially in social media terms and in social media dialogues, we spend too much time focusing on the wrongs of the past, and not enough on the sort of solutions which we can find in the present?

(GU) - As I said before, I think there is something about articulating and emphasising the affirmative message and not just focusing on perceived wrongs, partly because they rendered the human rights agenda relatively irrelevant to large cross sections of, at least, societies in the Global North. But I would like to maybe reflect for a moment on, again, the philosophical questions: inherently, what are human rights? Where do they come from? And I don't subscribe to philosophers that say human rights are God-given, self-evident, based on dictates of pure reason or something along those lines. I think human rights are products of human struggle. As Christof Heyns, the South African eminent human rights expert said in his ‘struggle theory’ of human rights, he said: ‘every human right is the flip side of the coin of the fighting cause’. And to put that differently, human rights have emerged in history, as minimum normative standards that people have had to fight for in opposition to the powers that be and that eventually have reached a point of widespread acceptance. For example, the prohibition against slavery that was not taken for granted, it was fought for and eventually emerged as a dominant norm in particular countries and societies and eventually as a dominant, global norm, and it became a standard of international law. Many of the economic and social rights were fought for by Labour movements, for example, who were demanding decent conditions of work; rights to gender equality, women's rights were fought for by women's movements at great sacrifice and great pain, and eventually became rights that have been integrated into our legal architecture and social fabric.

I think that the main point here is that rights have always emerged out of a sense of processing historical experience, they have emerged from a perception of indignation and reactions to wrongs in the past. The sense of crimes against humanity is exactly… the idea is that this is something, that certain actions are so atrocious and so unacceptable, that we have to establish a norm that says: 'never again, we cannot allow such abuses and such wrongdoings to repeat themselves or to persist.' By doing that, by invoking the pledge, we denounce the wrongs in the past, we will not allow them to continue in the future, Nunca Más **(**Never Again). By doing that, we're exactly in the same moment affirming a commitment and allegiance to an alternative normative structure and an alternative normative framework, which is a forward looking framework committed to respect for human dignity, committed exactly to what we were talking about before, the agenda of expanding human agency and removing societal abuses, abuse of power. I think they're intrinsically linked: the reflection on wrongs in the past and the affirmation of a commitment to a forward looking human rights based positive agenda. It's not one or the other. It's not an either/or, this is what's so important, to see how the two mutually presuppose each other. Exactly because human rights are grounded and embedded in history and they become universal, they become global, because history is becoming a universal global history in the modern era, and in particular, in the last few centuries; increasing global interdependency posits a need for a strengthened common framework of international law.

(GF) - I think that's a really rich history compared to what is often described as the origin of human rights, as 'Never Again', the terrible crimes of the Second World War and the Holocaust, and yet, as you say, also 'a world to be made new', as a reaction, a positive hope-based reaction for that. But I liked the fact that you brought all those other causes and other histories into it, and then invoked the idea that history itself is becoming global because we're seeing - and I know you've written about this extensively - we're seeing a whole bunch of new actors, new nations, in many cases, new groups, new transnational organisations, who are developing their own approaches to human rights, which are rooted in very different histories and possibly in very, very different traditions. Do you think that is easily accommodated within our contemporary understanding of human rights or the system which we developed in response, maybe specifically to the crimes of the Second World War?

(GU) - Thanks, Graham, for raising this question. I think it's a very important question. I think the first answer is no. I don't think it's easily accommodated, I don't think anything is easily accommodated, especially in the kind of divisive, contentious political environment that characterises the early 21st century. But I think it's a very important challenge. It's something that is essential for us to rise to and react to in a constructive way.

(GF) And I think we can distinguish between people who just don't think that human rights are the way or the lens to view our lives or our events, and people who sort of recognise the gaps, or certain ways of thinking about human rights, and try to make them better. I know a lot of disabled people are critical of some of the ways in which the Convention on the Rights of Persons with Disabilities is framed, including the name of the Convention. I mean, do you find that these criticisms leave room for both creative but maybe also these more positive hope-based visions of human rights for actual people who experience marginalisation or some kinds of structural injustice?

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(GU) - I am not sure Graham, I don't really want to speak on behalf of advocates of a particular group. You could look at indigenous peoples around the world, whose causes now have become salient, partly because of the intersections with climate justice agendas, and so on. I think what's very important is that representatives of the groups that in various ways have been marginalised, suppressed, excluded, will speak for themselves. I think what is important is to create space for their voices, also in the way in which the normative framework continues to evolve. I think we are at junctures where there's a radical need for new departures and for new developments of the normative framework. And that's very much consistent with the underlying affirmative vision that you started the podcast with.

I have one other sort of thought that I didn't get to yet that I would like to introduce, Graham, if I may.

(GF) - Absolutely.

(GU) - I don't know if that's now more on the side of expressing a reservation or more on the side of agreeing with the premise of the podcast as you elaborated in the beginning. But what I wanted to say was that as you shift from a focus on particular wrongs, on violations, on injustices - which as we have said are also a very important incentive to action - but as you shift from that, to a more future oriented, positive, affirmative vision of what a society that is inclusive, that is enabling people, from different walks of life and in different social positions that is (even) more just - the sort of positive vision of human rights-based just social order - as you make that shift, I think to a certain extent, you also shift from a more individualistic perspective to a more collective perspective. I noticed that in your questions and also in things I've seen written about this, it's very typical that the word ‘we’ comes to feature very strongly: what can ‘we’ do, how can ‘we’ create a more just society, how can ‘we’ defend and prosper from a hope-based vision of human rights, this collective development? What I think (is) that whereas you could say victims of violation are in some ways or other particular, they’re specific, they’re individual - either single human beings or collectives, but nevertheless, specific groups - (in all cases), I think what we see here is also a shift from the moral law based/focused on denouncing injustices to the collective political agenda of reshaping society. I think what we see here is the sort of infusion of the human rights agenda with politics, in a certain sense, with political vision and with competing political visions. So I think that the hope-based human rights agenda, in a certain sense - and you may correct me, but I have a feeling in a certain sense - the hope-based human rights agenda also marks a re-politicisation of human rights. We inherited a kind of legacy that told us that the human rights normative framework is politically neutral. It should be possible to embrace no matter where you find yourself, from left to right on the political spectrum, as long as you're not on the far extremes. And if you're on the far extremes, what is defined as a far extreme is in part simply not accepting the common allegiance to minimum standards of fundamental rights. So that's kind of what could be a right wing or left wing extreme, but everybody in between should agree on the same fundamental human rights principles, which are then incorporated into our constitutional legal order.

What I'm saying, is that now that you put the topic of a hope-based affirmative approach to human rights on the agenda, I think you also invite, at least you open the door for a more explicit connection, linkage of the human rights agenda with various kinds of political agendas. And you can articulate this in different ways: you can say that by affirming human rights, you also advocate

for a certain degree of substantive social equality, for example, which requires some level of redistribution, which is then perceived as a kind of a political agenda, for example. You could also see it the other way around: you could say there are certain kinds of political action, for example, a reshaping of the neoliberalistic, global economic order, and international trade and so on, that needs to be somewhat reframed in order to even make it possible to realise human rights in many parts of the world - in particular, in relation to marginalised and deprived individuals and communities - that you need some form of radical or at least substantial political change in order to in fact work effectively with agreed international human rights standards. So I think there's a two way kind of linkage between politics and international human rights law that we have kind of been shy to engage with. I think that your podcast series on hope-based human rights, in a certain sense, compels us to engage with those connections. Does that make sense?

(GF) - It makes perfect sense. And what I'm partly taking away from this is: not any politics is necessarily going to be a human rights-based politics, or even a politics of hope. Because not all political forms of politics, not all political movements, not all political persuasions, are in fact, a politics of hope.

(GU) - I agree with that completely. I think what you're sort of implying is that the flip side of this, the sort of ugly, whatever counterpart, is the way in which politics in the current era is very much about: accentuating and mobilising senses of resentment, the way in which I interpret or people interpret their dissatisfaction in life as a consequence of established privileges, established elite interests and so on. So the reaction to this widening inequality in society and discrepancy, and even to a certain extent the reaction to the lack of enjoyment of the fact of human rights protection, is being used as a kind of argument against the advocates of an expanded liberal law-based order that is guaranteeing human rights. So there is a kind of evil twin, so to say or flip side, that we have to be on guard against in advocating an affirmative human rights message. That's again, an area where we as human rights defenders, are not necessarily that successful. We are somehow playing into the narratives of our detractors in ways that we don't fully understand or master and I think that's sort of cause for concern.

(GF) - No, I think that really reveals your own hopeful vision for human rights. I think when you talk about a politics of resentment, it's the kind of opposite of what you're advocating, which is human rights as a way of processing all these terrible things which have happened and continue to happen, unfortunately; processing in the psychological sense, making sense of it, trying to move on in a healthy way. Whereas in the politics of resentment, you're not processing, you're just continuously grabbing on to it and sort of hurting yourself over and over again.

(GU) - You know, there's this very famous Freudian dictum that ‘whatever is not remembered, is repeated’. Remembrance is not just a matter of cognitively being aware of something that happened in the past. It's actually about processing and remembering and integrating into our sense of where we are and who we are. We recollect a historical legacy and incorporate it, make it part of our own, but exactly as a way of freeing ourselves from certain abusive patterns in the past and in doing that, exactly affirming a vision of a different future and hopefully, a better future. So that's kind of a process. That's a process that kind of lies at the heart of what we call transitional justice. But I think, in a certain sense, where we're in transition on a global scale all the time, we

are processing historical legacies, not just after a Civil War, but in fact, on a continuous basis as an international community inhabiting a frail planet.

(GF) - Well, thank you very much. Just one last question. Is there any area of human rights that you think is especially hopeful or that gives you hope?

(GU) - I think what gives me hope is the area of human rights education. I have to say that being privileged to work for the Global Campus of Human Rights, being privileged to interact with students (in the European programme we have students from 30 different countries, 1/3 of them are from outside of Europe, but all of Europe is also being represented) and then having the opportunity to visit our sister programmes in other regions of the world (very recently, I was in Tashkent, in Uzbekistan, where we're in the process of starting up a Central Asia Master programme), the students are brilliant. The students are motivated, the students are driven by an affirmative vision of change, both by the will to correct current and existing wrongs and by the will to forge a better future. This is something that's youth driven and I'm sort of humbled and in awe of their resources and initiative and that for sure gives me hope.

(GF) - Well, thank you, George, for sharing your vision of hope and your views with us and for preparing our audience for what is next to come in this series. So stay tuned.

(GU) - My pleasure, and thanks for organising this. Thanks for inviting me.

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