Global Campus of Human Rights

Podcast Series 1 - Engaging with Human Rights Scepticism

Episode 4 - Rhetoric, Rupture and Rights
Samuel Moyn and Manfred Nowak

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 signalling where the light is. This podcast was recorded in Venice, Italy, on the island of Lido at the Global Campus headquarters.

George Ulrich (GU) - Hello out there. It's my great pleasure to introduce the fourth podcast debate in the Global Campus series on engaging with human rights scepticism. Our focus today will be on political scepticism about human rights and the invited experts joining us to examine this issue are Professor Samuel Moyn, from Yale University, and Professor Manfred Nowak, Global Campus Secretary General and Professor of International Law at the University of Vienna. I'm George Ulrich, Academic Director of the Global Campus and host of the podcast.

As a philosopher by training, I'm particularly interested in challenges at the intersection of human rights, morality and politics. Political scepticism about human rights in a nutshell problematizes the relationships between human rights and politics. It contends that human rights claims in some manner or other are a politics in disguise, have a disruptive influence on political processes or divert attention from urgently needed political action. A characteristic right-wing expression of political scepticism takes issue with constraints imposed on political decision-making by self-appointed, unelected and unaccountable experts. From the side of the political left, it is often alleged that the promise of human liberation, fulfilment and safeguarding of human dignity, as enshrined in international human rights standards, cannot be realised without fundamental change in the underlying economy and in global power relations. Without some form of radical political action, the proclamation of universal rights functions merely as a smokescreen, obscuring or providing a veneer of legitimacy to entrenched privileges and interests, perhaps even as an instrument to protect such interests. This was a young Marx's critique of bourgeois human rights ideals as proclaimed at the time of the French Revolution, and it is a point of criticism that is repeated in different variants by contemporary critical theorists.

The relatively comfortable coexistence between ubiquitous human rights commitments in the current era and the new neoliberalistic economic order that continues to widen wealth access and power inequalities to an unprecedented degree is taken as evidence of the ineffectiveness of human rights as a vehicle of social justice. My impression is that both invited speakers are deeply concerned about this picture. However, they come at it from opposite points of view. Samuel, I take it that the new Marxist critique captures a certain aspect of the argument presented in your most recent book, evocatively titled 'Not enough'.

Do you accept this characterization? And how does the political argument provided here align with your earlier work on 20th century history of human rights? Manfred, I understand that you argue to the contrary, that a consistent and uncompromising realisation of agreed human rights standards is the only available and only potentially effective antidote to neoliberalistic excesses and injustices. My question to you will be: what do you take away from one's argument and how do you respond to it?

Samuel Moyn (SM) - Well, to begin with, I greatly appreciate the invitation and the enormous privilege to engage with Professor Nowak. So, I admire both the young and the old Marx, but I don't purport to be following either. I think I'm less radical and I think that matters because it might be that the Professor and I agree more than not; It might make the conversation less dramatic but I think it's a time when human rights need more, you know, conciliation and reconciliation.

So, let me just begin with the historical part of your question. What I tried to argue in my first book about human rights 'The last utopia' was that, at a particular moment in the Cold War, human rights became more credible than before as an instrument of reform, especially on the international plane. What I tried to show is that a series of activists who were stymied, in their view, in achieving bigger dreams, retreated to a language of human rights; and it made sense for them to do so when they were facing down totalitarian governments in Eastern Europe or authoritarian governments in Latin America because when they tried to have bigger dreams they were crushed. So, human rights appealed to them as a minimalist and selective set of supposedly non-controversial norms about what governments should do and not do. Now, I explained as clearly as I could, how remarkable it was that they claimed that human rights weren't political. But I also wanted to argue that that was kind of a politics in its own right, it was, if you like, a politics that wouldn't acknowledge that it was an opposition to government and a kind of demand for change. And what I worried about is that what made sense strategically for dissidents facing down totalitarianism or authoritarianism wasn't a good general prescription for how we should do politics, like pretending we're not doing politics and saying everyone already agrees about right and wrong, when they don't. And there was a big price especially, I tried to argue, because the moral values that human rights reflected uncontroversially were so selective. In the beginning, they had nothing to do with distributive justice since in the early human rights movements, although they made the Universal Declaration of 1948 a famest, it's as if the second half was forgotten and false imprisonment, freedom from torture - on which Professor Nowak has done such extraordinary work - were very prominent but claims around distributive justice were not.

In my second main book about human rights, 'Not enough', I tried to reread the history of human rights to diagnose some consequences of this omission. It's not that economic and social rights that had been the second half of the Universal Declaration weren't eventually restored to human rights activism, but I wanted to show that it is significant that the age of human rights has been the age of inequality and the victory of the rich. Now I just wanted to make clear that that's not because, like many Marxists, I think that human rights were in a complicitous relationship with the neoliberals or because they were a distraction or smokescreen. Rather, I argue that even this turn to economic and social rights made

distributive claims that I and following philosophers call ‘sufficiency claims’, they're about protecting our entitlements, asserting that they're non controversial to a minimum, a threshold of the basic decencies in life. And we've learned, sadly, that the neoliberals are right, that we can provide some of those decencies even as the gap between the rich and the rest is either entrenched or increases. My complaint was that even economic and social rights have nothing to say about distributive inequality, which in many places continues to rise and on the world's stage is the biggest fact about world order. So all that’s to say, just to conclude, that my challenge is not the way you characterise it; it's to indict human rights as an insufficient morality in politics, one that we don't need to overthrow but supplement in the name of human emancipation. There I’m with some German philosophers, one of whom is Marx, but he was never the only spokesman for emancipation.

Manfred Nowak (MN) - Yeah, thanks very much. I think at the end, we might agree on quite a lot but I have certain issues with the way you developed your argument: and I think for you it is because you're saying: the drama of human rights is that they emerged in the 1970s seemingly from nowhere, that’s a citation from ‘The last utopia’, and if that is your assumption, of course, then that leads to the next assumption that because the 70s was also when neoliberal politics took over from economic politics of John Maynard Keynes that then human rights seem to be the doppelganger, as you say, of neoliberal policies, and they are both developing hand in hand and human rights had no real kind of issue with neoliberalism. I will say the opposite. I would say with the rise of neoliberalism in the 70s, 80s and in particular in the 90s, that was the beginning of the end of the idea of human rights, but let's perhaps go a little bit back.

Why do I disagree that human rights came out of nowhere in the 70s? I think it is not fair to all those who were fighting for human rights since, I would go back into the late 18th century whether that’s the French or the American Revolution. I see this as a dialectic development: first, we had the bourgeois concept of civil and political rights; then it was Marx’s criticism and the reaction of the socialist movement, socialist revolutions that developed economic, social and cultural rights on the domestic level. Already after the end of the first century we had the International Labour Organisation that developed really the idea of social security and labour rights. In particular, then the creation of the United Nations was a reaction not only to the Holocaust; it was a reaction to the world economic crisis, the Great Depression, the rise of Fascism and then leading to World War Two and finally to the Holocaust. That's why when the United Nations were founded we had three main pillars: the one is, of course, international peace and security; the second is development, which is a reaction to the Great Depression, and so, really, I would say freedom from want also means freedom from poverty. And the third one is human rights; but human rights were not really defined, so, the different strands, the different concepts - in particular the bourgeois and socialist concept - were then, in a kind of a synthesis, laid down in the Universal Declaration of Human Rights and it's in retrospect a kind of a miracle that worked out.

It was not only the socialist countries or communist countries that were in favour of economic, social and cultural rights; there were many social democrats: in Latin America Hernan Santa Cruz, René Cassin - the French one - but also others brought in already that

the new concept of human rights is not only the liberal concept of the liberal, democratic state, but also the social welfare state. That is laid down in the Universal Declaration and that developed then (and I think) in that time between 1945 and the 70s that Thomas Piketty called (it) “les trente glorieuses”, (so it's that time) which is when economic inequality actually remained about the same, so it didn't really rise because of this development of economic, social and cultural rights [and] the redistribution. Also in the United States we had a very high form of taxation and also redistribution; we had the civil rights movements in the 50s and the 60s in particular; they were all major human rights developments and at the international level as well. I mean, I am a little older than you but when in the 70s I started working on human rights, I worked with a guy called Felix Ermacora, who had been a member of the European Commission of Human Rights since 1953. So, he was all the time developing the human rights agenda in the context of the Council of Europe and he knew people like René Cassin, John Humphrey, etc. - I also got to know John Humphrey - but also many others who developed the big icons of the civil society human rights movement, Martin Ennals, Sean MacBride, Mary Robinson and all those people. These were all people working in the 50s-60s; there it was primarily to develop human rights as a binding instrument: the two Covenants were developed between the 50s and the 60s and also the Racial Discrimination Convention, etc.. So, all the fights in the Global South against colonialism, racism, the apartheid, were based - and you’re saying it has nothing to do with human rights - on the right of peoples to self-determination. The only reason why it was not written down in the Universal Declaration was that the West, the colonial powers such as the United Kingdom, didn't like it, but it was the main reason why the Soviet Union and its allies actually abstained from the Universal Declaration and made it very clear that if there is a binding treaty, the right of peoples to self-determination needs to be in there, and it is in Art. 1 of both Covenants. So, much of the decolonisation and the struggle for liberation was, also in the mind of people like Nkrumah, Senghor, Nyerere and all those people, a human rights struggle.

So, I see the history much more as a long history that developed. Of course there are ups and downs and the Cold War was very difficult but still we developed all the major human rights treaties that are now being monitored and implemented. And then the end of the Cold War came, 1989, the Velvet Revolution, what Tony Judt - one historian whom I really admire - called a ‘historic window of opportunity’. Now we’re finally over this ideological struggle between the Soviets and the Western countries and also the Southern countries. So, we can for the first time really realise what is written down in the Universal Declaration and all the different treaties, so we can now establish a world order - economic, social, political world order - based on human rights, democracy and the rule of law. And the tragic, in my opinion, is that 1989 was at the same time the year when the World Wide Web was invented but also when the Washington Consensus was agreed by the United States, the World Bank and the IMF, saying the neoliberal economic policies which developed with Thatcher and Reagan in the 80s will now be the main economic policy of the international institutions in Latin America but unfortunately also in Central and Eastern Europe. And that is the beginning. So, it was not anymore ‘now we have an opportunity to create a world order that we like’, also in the Vienna World Conference in human rights was the universality, indivisibility so ‘all human rights for all human beings’, but in reality the United States and its allies, also the European Union, only celebrated the final victory of capitalism over communism. And that was

overtaking the human rights movement, the 1990s were still a little bit ‘we are trying to get the International Criminal Court and the Security Council working’, but soon after then, with 9/11, etc. that there was a different agenda and human rights were really not anymore at the forefront and neoliberal policies in the age of globalisation took over. But the main difference is that I would not blame human rights for that. I think neoliberal policies were working against human rights and we tried to keep whatever was possible but we failed and so in our post-assessment of the current situation, I think we are very much in the same line.

GU - Samuel, maybe let’s hear you, I would also like to chip in but please, Samuel.

SM - That was such a rich intervention and I just want to comment that there's a number of minor disagreements that we have about history. My view’s laid out in the books mentioned and is not at all that I deny that the rights were at the centre of the American and French Revolutions, but I claim those were different political projects that were about state building, the construction of sovereignty and the citizenship spaces. They house and, above all perhaps, they involve tolerable violence, which is what revolutions can involve and they as much presupposed, and sometimes intensified, state borders. I just don't think we can understand things like the migration crisis today, in recent years, without understanding the legacy of revolutionary rights which led to the European and, later, global nation state and decolonisation. I don't think it's accurate to say that human rights led to decolonisation, it's that decolonisation led to a redefinition of human rights that made self-determination of peoples the first one. I have a somewhat different view of the welfare state which, I agree, is absolutely central not because it consecrated human rights but because it was a project of class compromise and led to more egalitarian relations than our neoliberal states.

But all of those are kind of minor disagreements that professional historians at best pursue. I think we should focus the discussion, and I think it ought to be on our major disagreement, which is about the relationship of human rights in our time to the neoliberal state and world order. Let me just read one quotation for you. It goes like this: ‘The cult of human rights can be interpreted as the absence of an ideology to replace communism. Those defending human rights didn't realise that, but their action was a way of returning to bourgeois society’. That quote, you might take, given George's introduction, as a Marxist claim. Actually, it comes from the great liberal thinker Raymond Aron, a French social democrat - like me a social democrat - and his point was that communism died but we didn't replace it with something ambitious enough to stave off neoliberalism. Instead, we replaced it with human rights. And it's not that the intent of people like Professor Nowak and other of the heroes that he listed was malign, but what I didn't hear him answer is related to my central claim in “Not enough”, which is that even economic social rights in the Universal Declaration, in the second Covenant, in human rights activism today do not have anything to say about inequality. They're really about insufficiency, they condemn arrangements that don't allow individuals to get a sufficient amount of the decencies in life. And, sadly, that is not a condemnation of inequality and therefore neoliberalism, and therefore we need something more and something else than human rights, not just taking them seriously. That’s my central argument.

GU - I think your argument is very clear, Samuel, and I think it's also very clearly stated in the book and in particular in the concluding section with Croesus, the image of Croesus' world and the way in which he benevolently grants sort of minimum protections to the suppressed subjects. I think this is a very strong image and a strong argument but I think it's also an argument that can be challenged and I see at least on two grounds that I would challenge it. The first ground is that, as a reader of your work, there's a little bit of a North American bias in the way the work is framed. I see that coming through, for example, in the very close association you have between the concept of rights and a libertarian agenda, and the way in which you see rights as an instrument of restricting government and governance. I think many of us coming from different European contexts see a much more integrated sense of governments as duty bearers under the human rights conventions, which includes a duty of social justice that goes hand in hand with the image and the vision of the welfare state.

If I were to say, your interpretation of economic, social and cultural rights is very limited to what we call the minimum core protection, so the minimum core standards. There's much more to economic, social and cultural rights like then that including the notion of progressive realisation. You have contemporary advocates of strong associations with taxation, for example Olivier De Schutter, who's working very closely on the importance of taxation for the realisation of economic social and cultural rights, which means an inbuilt redistribution element. And you have, for example, expert mechanisms on the right to development that talk about global redistribution as an integral aspect of how the human rights concept is framed. So, that's my one comment. And the second one would be that you could also argue that even the more limited minimum standards that you take issue with can be seen not just as a tool of appeasement but also as a tool of empowerment that in fact enable people in particular contexts to be architects of their own political change in ways that maybe cannot be imposed from the outside. A global human rights framework cannot be in and of itself a redistribution template but it can enable that, as something that has to come from within society. So, there's a political dimension that is not in place of but in fact, in a synergistic relationship with the realisation of rights. So those will be my two immediate comments. No, but Manfred, you can try as well.

SM - But wait, can I just respond very briefly, just really briefly because they're excellent. So first, I mean, everyone comes from somewhere, but the central drama in my work is about the rise and fall of French revolutionary aspirations including the welfarist, egalitarian aspirations of the Jacobins in the French Revolution, who declared the first economic and social rights. I don't have any association between rights and libertarianism, recognising that economic and social rights impose duties not just on states but on everyone, including beyond borders, potentially, as you point out. Where I want to press both on the first and second point you raised is that even at a higher level than whatever the minimum core provision is, economic and social rights as such are minima. They normatively pick out thresholds of provision. And what we've learned is that improving people's situation at the bottom is compatible with the expansion of inequality and the gap between the rich and the rest. And for the same reason, while we can say, on your second point, that hypothetically giving people more stuff that rights protect, not just a minimum core, the whole entitlement of an economic and social right could empower them to demand more. We see it in so many

places, inequality expanding even as poverty is remediated. So your mechanism isn't working yet. And so, to my mind the challenge is on you and on defenders of human rights to have something to say about this crying shame that the plan isn't working, that economic and social rights have been honoured to a far greater extent in many places, that's the signature of our poverty remediation even as inequality expands. So I'm totally open to the idea that economic and social rights can indirectly serve distributive equality. That's clearly true, but it's not happening. And so, we have to explain why. My suggestion is not that neoliberalism is failing to allow for human rights advocates to work, it's that human rights advocates aren't being ambitious enough, some rhetoric aside.

MN - I agree to much extent that the whole agenda of economic, social and cultural rights was for a long time neglected and that's was because during the time of the Cold War that's what the communist countries wanted while Western countries only wanted their bourgeois concept. There were many ideas of what we call the third kind of road: Salvador Allende, for instance, would be a good example in Chile, I mean a Marxist regime with a human face, etc. And we have had many of these kinds of movements that were usually then fought by the United States in principle. But I would not really agree with your main argument of saying human rights guarantee status equality, that is true; Economic, Social, and Cultural Rights are always individual rights and everybody should have, for example, access to health care and education, but you say [human rights don't guarantee] distributive equality. If you look in the right to equality, article 26 of the Covenant on Civil and Political Rights, you will find four different types. And the one is the equality before the law, that's the kind of 18th century concept, but then you have the equal protection of the law. And in my book, that human rights are a response to the rising economic inequality, I clearly argue - (and I think it is) based on the history but also the meaning of article 26 - that this means that states have an obligation if economic inequality, inequality of income or inequality of property are rising above a certain level, to react because otherwise then also economic, social and cultural rights cannot be realised. If I have a right to an adequate standard of living, if I have a right to social security, it always means (social security) that you have to redistribute from the rich to the poor, from the healthy to the sick, from the employed to the unemployed, etc. That's the very idea of social justice, social security, that is written down in the Covenant on Economic, Social and Cultural Rights. If you really want, even do, the minimum status equality, the minimum threshold that nobody is living in absolute poverty, you can only achieve that by a radical distribution, both on the national level but also on the international level. That is what they wanted with this new international economic order and that was all failing simply because the West was strongly opposing it. But that is not necessarily forever. I mean, we might also have a time when in the international financial institutions, in the World Trade Organization finally it is won by states. States only have to change their policy from a neoliberal one to a more global justice-oriented one and that means also distributive equality, influenced and inspired policy. So, that is still possible; of course, today we can't do this anymore on a national level, we have to do it on the global level. And that's the big challenge, of course.

SM - So, you know, we're mostly in agreement, aside from some trivial matters; one concerns the textual basis for distributive equality in human rights instruments and, respectfully, I don't

think they're there. Just because equality of status is not necessarily implying this equality of distribution: saying that there's progressive realisation - as George pointed out - refers to the progressive realisation of the threshold entitlements in economic and social rights and the point about progressively increasing standards of living is about raising that threshold, which again, says nothing about what's happening to the overall distributional picture, including where the rich are in relation to the rest.

GU - I don't agree with that point, Samuel. I mean, for example I work through right to health and if you establish a very low threshold requirement in relation to health you have a situation with a huge discrepancy in health provisions between those who are just enjoying the minimum protections and those who can afford insurance and advanced treatment of different kinds. If within a political context like, for example, my own country Denmark or one of the Scandinavian societies, you establish a much much higher threshold requirement within society, you're presupposing an extensive redistribution of public wealth, which is exactly the welfare state that you're talking about, so the progressive realisation of a right to health in that context is a redistribution enterprise.

SM - Look, this could get kind of academic because I'm basically sympathetic to both of you, but you know, a couple of points. The right to health is something distinct because it's the only one that's textually egalitarian largely because of the World Health Organization's coinage of the really radical entitlements to the highest attainable standard of health which eventually, though absent in the Universal Declaration, makes it into the Covenant. [The right to health] read literally, really does require absolutely equal health care for everyone. So I'll give you that textually; of course, it's laughable to think that language is impacting the actual law anytime soon. I also give you that it's better to raise the threshold because it's much more likely that the rich pay and that there's redistribution from the rich to the rest. However, it's just a matter of logic that raising the threshold implicates redistribution from the rich to the rest and therefore a decline in inequality if the rich are forced to pay for it, and it doesn't necessarily follow from raising a threshold who pays for it. You could have, for example, social insurance amongst the rest. However, I'm completely with you and favouring higher thresholds. All I'm saying is that one credible reason why the age of human rights is the age of the victory of the rich is that human rights have nothing to say about inequality. Now, I agree with Professor Nowak that we could demand extraterritorial application of treaties because otherwise economic and social rights are about poor states servicing their poor with rich people in the Global North, including the middle class in the Global North, with no obligations towards their fellow humans. But that's also a pie in the sky. We're nowhere near and again, it's textually routed, and I give you that extraterritorial application is textually credible, but no state believes in it. And there's no state practice to back that up anytime soon. And so, all I'm saying is we recognize human rights like the NIEO (New International Economic Order) as a project that has faced limits. And we insist then on an egalitarian project that doesn't yet exist because human rights isn't it. And I think in fairness, the text doesn't clearly allow, let alone practice.

MN - Just three short points: one, you said healthcare you accept education were similar.

SM - Primary, primary education.

MN - No, not only primary because it's clearly said in the Covenant, as well as in the Convention of the Rights of the Child, that states have an obligation not only for free and compulsory primary education, but for the gradual introduction of free secondary education and free university education. So, (if you do that, and) that is an obligation of states; now, in neoliberal times they are even now re-introducing university fees but that's a clear violation of article 13 of the Covenant on Economic, Social and Cultural Rights. So, if you really have free access for everybody to higher education, that is necessarily only possible by means of free distribution. The second is, if you look in the history of the right to equality and non-discrimination, originally, the main discrimination was between the poor and the rich. So, it was based on property and class; only in the course of the years, the main focus of non-discrimination was on ethnic origin, race, gender, sexual orientation, but the basic idea of non-discrimination was not to have too much difference between the poor and the rich. And, as I said before, this positive obligation of equal protection by the law is a clear obligation of states to enact laws in order to reduce economic inequality. So, I do think there is a certain basis, I agree with you that in reality that was kind of forgotten and was overtaken by other forms where we are fighting against discrimination but it is in the human rights framework, in my opinion and it simply needs to be better implemented,

GU - I would like to just try to summarise what I see as a part of the both consensus and point of difference. If I take your argument, Samuel, I certainly take your point that it's not necessarily a Marxist revolution you're calling for, but you're calling for embracing and even envisaging and articulating a social redistribution, a wealth redistribution agenda, both at national and global level, which will recapture the vision of the welfare state; you see that as a political agenda that is needed desperately and that is not supplied by the Human Rights normative framework. That's how I read and I also read your rights and duties argument in exactly the same spirit. You know, we were saying rights aside, there's simply a need to rediscover and re-embrace a certain civic duty that invests in government but also invests in our sense of collective responsibilities and so on. That's how I hear you and I take that very much. You recognize in your writings in different places that there is also an implicit both ethics and politics of human rights and what you're saying is that it's not radical enough - and that's why it's not enough - it's not radical enough to rise to the neoliberal menace.

The question to some extent is - I think what both Manfred and I to some degree, even if they haven't coordinated this we're pushing in the same direction - to try to say we think you're selling the human rights agenda a little short, right? We think that there are more resources inside the human rights agenda that can inspire and feed a politics of public welfare and civic responsibility and so on. And that you don't need simply to pass such a dichotomy that is either rights or a new political vision. But I do take it that, I think we also from the side of people working in the field of human rights and human rights education have to be careful not to make too politically charged the human rights agenda, because then you'll also alienate people within the both national and regional and international political community because some will simply see you're simply smuggling too much left wing politics into the human rights agenda. So, it's also a little bit of a strategic dilemma there.

SM - A couple of quick comments. You can always point to the unrealized potential of anything and it's a fair move. You know, a famous Christian, at one point, mournfully says: ‘we were told to expect the coming of the Kingdom of God and all we got was the Church’. Of course, for millennia Christians pointed back to Jesus and said ‘Let's be truer to him finally’ and you can do the same with human rights. I'm not, because I recognize that it played its role and has a certain importance, but for some things rather than others; and equality within societies has been provided by socialist parties and trade unions and was demanded on a global scale by states, not human rights movements, before those states were beaten. And that suggests that we need other kinds of agents than human rights movements have been. Now of course, those agents could emerge and we can call them human rights movements but it's much more important that the agents emerge than what we call them. And of course, socialist movements and trade unions were not talking about human rights, they were talking about the common good or the working class and I think your really important second point, I guess, I'd conclude by saying that you can alienate, but it's also important to recognize that a lot of ordinary people in a neoliberal age have gotten alienated from human rights because they seem like they're a language just for the vulnerable and weak who do need most protection and human rights have not been connected to a majority program, one for the common good, one like socialism that offered an alternative for everyone, and indeed an egalitarian program. So there's just as much a risk in alienating people from human rights in failing to think big, as alienating people by going too far to the left, although it's a legitimate concern.

MN - I think we can agree very much on what you said and I think that is a big danger of the current human rights movement. Perhaps the climate crisis, like the pandemic now, I see them also as positive in the sense that they might force us to actually totally rethink the current international economic order in order to save the planet and work together rather than against each other. So, I'm remaining optimistic, nevertheless, that if we realise what the big challenges are, and then going back and look we have developed, and I think, that's a big achievement, a very comprehensive normative framework of human rights. We simply have to take it seriously and implement it; and it is not only an answer to economic inequality, it is also as a human rights based approach a blueprint for how to tackle the climate crisis, the pandemic and digitalization and other major challenges of the 21st century.

GU - I see you’re nodding, Samuel, that’s great. I would like to just as a concluding note say that I feel, although I very much share the sort of somewhat emerging consensus on many counts, I think there's also new developments and I think we shouldn't underestimate the importance of the new developments. Just as in the 90s and the early 2000s were very much about rediscovering economic, social and cultural rights, the new frontiers and issues having to do with global taxation, issues having to do with extraterritorial obligations, issues having to do with corporate social responsibility and even mandatory due diligence and so on. And issues even having to do maybe with codifying the right to development instrument, you know, I think they're just there are many new developments that to me are also somewhat promising and I think we shouldn't overlook them. But you know, all of that said I think it was really, really interesting and it's always very stimulating and challenging to read your work.

SM - I got just one word, which is that it's true there are many new developments, but not all are good. And one of the most striking is that in so many countries the pandemic allowed the rich to increase their gains over the rest. And that's just in the past two years. So it's an expanding crisis, even as there are new possibilities for confronting it.

MN - Right.

GU - So in conclusion, to wrap up, it's striking how the points of disagreement that emerged at the beginning of our debate remain and yet there's a wide range of emerging consensus as well between the invited speakers. This gives much food for reflection. In the final podcast of our series, which will be broadcast next week, we will go a step deeper and examine the underlying concept of universal human rights and the degree to which it’s responsive to challenges in the current geopolitical moment. We thank you for joining us today and hope you will tune into our next session.