

Heythrop Institute for Religion, Ethics and Public Life

THE HOLISM OF HUMAN RIGHTS: LINKING RELIGION, ETHICS AND PUBLIC LIFE

Talk by Professor C A Gearty (LSE Centre for the Study of Human Rights) on the occasion of the launch of the Heythrop Institute for Religion, Ethics and Public Life, 30 September 2004.

My theme this evening is the power of the language of human rights, its capacity to act as a rallying point for much of what is valuable in our secular culture while at the same time also connecting with two layers of our immediate past, the modern and the pre-modern. In its capacity to speak to a trinity of different audiences – the religious, the rational and the post-modern – human rights talk contains, I believe, a unique language code with a capacity to make an immense contribution to human flourishing, both capturing the best parts of our past and making those memories fresh and alive in the present. At a time when few other grand narratives even aspire to this goal, much less work honestly to achieve it, this central attribute makes my subject one which demands absolutely that it be cherished, and that it be vigilantly protected from the rapacious lunges of the powerful.

The focus of this Institute – on religion, ethics and public life – makes it, on my reading of my subject this evening at least, an applied “Human Rights Centre”. Take first the last of these terms, “public life”. These days there are two aspects to this idea, the civil and the political. The first was especially prominent during the 1990s when the idea of a global civil society, linking together networks of non-governmental organisations across the world, was especially popular, particularly at the LSE where I work. The idea was to have some counterpoint, some ethical perspective, to the then unfolding phenomenon of globalisation which seemed (to its protagonists and perhaps even for a while to others as well) to be on the verge of obliterating the nation state. The legacy of that era has been a myriad of civil society organisations, associations of well-meaning people, which have sought to improve the lot of others apart from themselves, to add to the sum of human happiness and (in the broadest sense) to human prosperity.

There are two distinctive characteristics to this expanding NGO movement, one positive, the other (I would argue) negative. The positive first: these non-governmental organisations, almost without exception, have come to articulate their vision of a better world in the language of human rights, in particular the code of international human rights law that has been built up since the end of the Second World War, and that now consists of a fairly voluminous body of law (albeit what the lawyers call “soft” law, i.e. law that cannot be enforced by simply obtaining a court order). The basic documents are the Universal Declaration of Human Rights (1948) and the two UN Covenants, on Civil and Political Rights, and on Economic, Social and Cultural Rights (both 1966). But there is now a great deal more around than

these foundational agreements, on refugees, on the prohibition of torture, on women, on discrimination, on children and young adults, and much else. The UN is currently considering new commitments to the rights of the disabled, and regions such as Europe (via the EU and the Council of Europe), Africa (via the African charter) and America (the American Convention on Human Rights) have their own versions of these documents, more specifically tailored to the places to which they apply.

These human rights documents may be inadequately enforced, or not even enforced at all, but they give NGOs a focus for their hopes and aspirations and a rallying-point for their energy and their political enthusiasm. In combination they posit a fresh and uplifting vision, not that of the sweat-shop worker or the disenfranchised, alienated victim of market forces, but rather the picture of the global citizen, replete with rights, *fairly* prosperous, and flourishing as his or her predecessors has never been able to do. The Universal Declaration and the human rights instruments that follow it constitute a mission-statement for humanity, which the tens of thousands of members of these organisations, eschewing mere selfish gain and isolated personal aggrandisement, seek through their daily activism to realise. Their collective activities amount to one of the great civilising triumphs of the past twenty years

I will return presently to the ethical basis for this mission, to what makes these human-rights-oriented NGO people act as thoughtfully as they do towards their fellow humans. But first I want to confront what I think of as the negative aspect of the civil society movement, its habit of regarding the state as *inherently* the enemy rather than (even potentially) the friend of human flourishing. NGO activists are nearly always temperamentally on the outside, gazing critically at the politician, mistrustful, ever vigilant for evidence of a breach of faith. The state is always in the wrong, or at least never entirely right. We can explain this intellectual reflex as a residue of the liberal origins to human rights, or as a consequence of the modern origins of the civil society movement as a reaction to Soviet power in eastern Europe, or as an unexpected side-effect of the global citizen's dislike of state power – it does not matter particularly for present purposes where the distaste comes from. That it is there and holds back the translation of theory into practice is evident, particularly at a time when democratic engagement is a possibility in so many places in the world. For the civil society activist does not make democratic participation a very high priority. Meetings, protest, direct action even perhaps, but not ordinary “bog standard” political engagement, going from house to house, seeking to persuade, argue, stand for election and so on. And yet this is the key to societal transformation. The labour movement in this country understood this at the start of the last century, but only the Greens have sought to make the journey in the recent past, and even then only tentatively here (as compared to Germany, for example).

The problem with defining your goals by reference to human rights documents that are not being properly enforced, while eschewing the political involvement that might change this state of affairs, is that you are always bound to be disappointed. This is particularly frustrating because, properly read, those very documents point unequivocally to the centrality of political action. The Universal Declaration and after

it the International Covenant on Civil and Political Rights lay down the foundational rights of a democratic society, the building blocks that are essential if such a society is to be established and then, having been established, is to thrive.

The kind of public life envisioned in these basic instruments is one in which there is no contradiction between human rights and democracy. The two are entirely complementary. Human rights stands at its core for the assertion that all humans are equal, and *therefore* deserving of equality of esteem. The most effective way of manifesting this equality is by securing for everyone the right to participate in the governance of their community, to make collective decisions on its behalf. In this way can the missionary instincts of human rights prophets (the kind of people who wrote the international instruments) be translated into reality by the practical men and women whose communities have charged them with the responsibility of sensible implementation. On this reading, doing democracy – engaging in a political life – becomes the highest form of human rights activism that there is.

Of course there are many questions on the margins here: the danger of majoritarian excess; the right level of democratic decision-making (regional? devolved? local); the place of the immigrant/asylum seeker; the deployment of the language of human rights in a reactionary discourse; and so on. These are not the topics of today. But connecting human rights to the political gives us quite an agenda for action even at the level of abstraction at which I am addressing the question this evening. The inequality of voter power that flows from our failure properly to control the influence of money at election time is the single largest reason why democratic politics has not done as well as it might from a human rights perspective, and yet this is a problem that is entirely susceptible of being remedied. Both the Blair government and even (recently) the Bush administration have enacted modest reformist legislation in this area. The degradation of our political life that results from the reactionary extremism of many of our national newspapers is another manifestation of our unequal economic culture polluting our public life, but again regulation is entirely possible. And it goes without saying that private societies, even universal churches, should not be permitted to instruct political representatives in how they should vote: we are an enlightenment and about three revolutions too late for that kind of medieval ultramontanistism.

On my reading of democracy, therefore, the idea connotes more than merely a mechanism for the management of public power. Of course it has a procedural dimension – the right to vote; free speech; constituting a free legislature; and so on – but at its core the concept of democracy needs to be seen as not an end in itself but as the putting-into-practice of the even larger idea that lies behind it, namely the notion that we are all equal, and therefore equally deserving of esteem, and that this is the case regardless of our gender, our colour, our ethnicity (if there is such a thing), our marital status, our sexual orientation, and so on. It is this commitment to the equality of respect that is owed to all that drives the disinterested activism of the first world citizen, whether he or she be a human rights protagonist, an NGO member or an elected social democratic politician.

I said I would come back to the ethical basis of all this, the finest instinct to be found in our public life, and now I need to do so. In a place like the Heythrop Institute, we are compelled to ask this question. To be particular, we need to wonder why such people are committed to equality? Where does their ethic come from? Plainly it is not from God or a sense of obedience to any kind of extra-terrestrial – but nor is it from the clever use of their minds by a cohort of mini-Kants in search of a purely rational basis for ethical action. Neither the (if I may) pre-modern nor the modern explanations fit well with what drives the ethical actions of our contemporary culture: we are too sceptical, too anti-foundational for this. That there is plenty of good is plain for all to see, but we live in an era of relativism when nothing is true or false, good or bad except what we happen to agree to describe as such. How can any kind of ethic come out of such a morass of inter-subjectivity? This is where I am suggesting human rights as an idea has its most decisive contribution to make.

If we leave God and reason to one side, we can see that the great breakthrough in equality was achieved by Charles Darwin. From him was deduced the pivotal post modern insight that we are all little more than (as Nietzsche put it) “clever animals”. From this perspective there is no extra bit of us called soul of which some of us (men, priests, rulers, believers) might have more than others. We are all in this life project together, made up by rather than tethered to our bodies, all seeking collectively and individually to do the best we can. The *collective* has come to be reflected in our commitment to the democratic form of government, the best system available for identifying what actions are most likely to lead to the general flourishing of the community, and by far the best suited to an era in which the search for objective truth has been set aside as either wrong in principle or impossible of achievement. But the *individual* also matters because of the recognition that none of us can any longer be guaranteed to be, or be required to be, heading on the same path towards some objectively verifiable theological or rational truth. So radical pluralism becomes not only intellectually viable but an essential component of this new (to use Richard Rorty’s phrase) post-philosophical world. This is why the idea of a zone of private amorality, a space where you can do what is right for your own private flourishing so long as it interferes with no else, is of central ethical importance to so many contemporary civil society and political activists, and why they find so mystifying a set of beliefs which, rooted in truth, demands a power of intrusion that can all too easily – because correctly – be characterised as the “policeman in the bedroom”. In the progressive secular circles that make today’s philosophical weather, religion is like cross-dressing, anal intercourse or learning ancient Greek, something you are perfectly entitled to do as long as it makes you feel better and doesn’t unduly interfere with anyone else’s personal life projects.

But why care about any individual’s life projects? If the analogy with animals is exact, then it becomes relevant to observe that we don’t see many cats, dogs and the like ensuring that every such creature has the best feline or canine chances available to this or that litter. It is not that easy to deduce from an empirical observation (we are all the same; we are all animals) the ethical proposition that we

must *therefore* work together towards collective and individual human flourishing. That *therefore* simply doesn't work; it is a bridge which without further support simply collapses for trying to connect across too wide a chasm. The idea of human rights is brought in at this point to provide this essential support. It helps to turn the fact of our equality into the basis of an ethical theory as to how we should act. We are equal; *therefore* we have a *right* to equality of respect; *therefore* we each deserve a chance to do the best we can with our lives, according to our own lights. In this way, "human rights" as Rorty puts it explain "our actions by identifying ourselves with a community of like-minded persons – those who find it natural to act in a certain way".

Now this does not begin to explain whether human rights is right or wrong, merely that they are an indispensable tool in supplying an ethic for selfless action in our post-modern age. Their indispensability derives from the fact that contemporary western culture cannot bear the consequences of its own post-modernism, its addiction to the nothingness of "discourse as the only truth". Human rights talk is an appealing echo of two previous eras when first God and then reason said what we want to hear, that there is right and wrong, that there is truth which can make us good, that life is worth something more than our own skin, our instinct, and the noises we call talk. But if religion and rationality have truly left the stage, if the ages of God and of the Enlightenment are truly over, how long will it be before these echoes of our better past fade out of our hearing?

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