

What's Wrong with Rights? A Commentary

Presentation at launch of

What's Wrong With Rights?
Social Movements, Law and Liberal Imaginations

*by Radha D'Souza,
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Thank you, Radha, for inviting me to comment on your book. And an even bigger thanks for having written it.

It is a timely book. A thought-provoking book. And a book that is sure to raise hackles in many quarters. And that is good.

There will be those, undoubtedly, who will dismiss it as a rant against rights.

You can hear them even now: "How can you criticise human rights? What about the right not to be tortured? Are you against that?"

But this is (perhaps deliberately) to miss the point.

For, as Radha is at pains to point out, this is not a book that is about rights *per se*.

It is about the effectiveness (or ineffectiveness) of organising around the current rights agenda as a means of challenging injustice in a world where transnational monopoly finance is increasingly the dominant social order.

It is about how the current discourse on rights plays out in the real world. Who it empowers and who it disempowers; the traps that it springs; and the dilemmas that this poses for progressive social movements.

As I read it, this is a book that asks us, as activists, to take seriously the political and economic context in which we operate – and not to airily dismiss it because “right” (in the abstract) is deemed to be on our side.

It is a book that asks us, as activists, to be more critical of our tactics and strategies; to be more reflective than we often are when choosing how, when and where we shape our interventions.

And, as such, this is a book that raises issues that are fundamental to our organising as activists.

The issue is not whether we talk about rights – this is unavoidable – but whether or not we rely on the institutionalisation of rights to address issues of social injustice.

I know of no social movement, historically or today, whose demands do not reflect some notion that a “right” has been denied or undermined or trampled upon.

And I can think of few contemporary social movements that would not give serious consideration to using rights-based legislation to hold the powerful to account and obtain redress for injustice.

But the landscape in which any social movement operates is never a blank canvas.

It is not a risk-free space. It is occupied by social movements of all colours.

The demand for a particular right to be respected is always a demand that will be used by multiple actors, in varied ways, to promote their own (often opposing) interests.

This is hardly surprising: rights are not the prerogative of the progressive – oppressors as much as the oppressed want rights and the institutional means to enforce them. Witness the elaborate negotiations in multiple institutions to construct new property rights that would give corporations the right to trade carbon – or how technology companies are mobilising the law to give themselves private rights over our personal information.

In that sense, rights never have a single, pre-determined trajectory embodied in the “right” per se. The trajectory will always be the outcome of the interplay between a constellation of political and economic forces.

Radha eloquently describes how corporations and neoliberals have made use of the rights discourse – particularly the use of property rights – to entrench and extend the dominance of capitalist relations.

But one can point to other examples.

Take that of the right to self-determination and, critically, the right to define – and redefine – themselves rather than to be defined hegemonically by others.

This is a right that has opened space for numerous liberation movements.

But, in the hands of the fascist New Right, the same “rights” have been mobilised (quite deliberately) to articulate a vicious politics of “differential racism” where racism is reframed in cultural terms.

By portraying cultural identities as more or less irreconcilable, neo-fascist groups twist “the defence of the right to be different” so as to serve the cause of a new and subtle form of apartheid.

“We are not against migrants because of the colour of their skin”, the new racism shouts. “We are simply defending our right to our culture”.

“It is you, the defenders of free movement and mixing, who are the real racists” because racism (to quote one neo-fascist group) is “the denial of difference”.

We can see how such politics has been picked up by Trump, Alternative für Deutschland, the Front National in France and in debates around migration in the UK.

In these circumstances, it would surely be foolhardy for a progressive social movement to assume that anyone who espouses the “the right to be different” is necessarily on the same political page.

And it would foolhardy not to insist, as Rosa Luxemburg urged us to insist, on subjecting our own abstract articulation of “cultural rights” to a thorough-going analysis of how that articulation is likely to play out in the real world.

Such critical reflection is surely axiomatic if we are to build effective alliances for challenging and unsettling oppression.

A starting point for such reflection might be to recognise that struggles over rights are always part of a wider political struggle – and that a right that can open space in one context can dramatically close it in another.

Recognising too that that there is not one set of “rights” that are useful to *all* movements at *all* times – and that their utility (or not) is historically contingent – may help in fostering greater understanding of the challenges that like-minded movements face; why some rights (the right to development, for example) that some movements have fought for are now being viewed by the same movements with a more critical eye; why

some rights that were opposed are now viewed as helpful; and thus where effective, long-term solidarity might lie.

And this is not some “one off screening process”, it requires constant assessment.

For rights are not some magic bullet that resolves all injustices. On the contrary, when abstracted from the context in which they are articulated, fought over and enforced and from the wider political forces that act on all movements, they can (and do) easily become the cause of further injustice.

This is the cautionary note that I draw from Radha’s eloquent expose. It is a message that direly needs reflecting upon and to be discussed, discussed, discussed.

That discussion is already live in many movements, particularly in the global South.

But it is long overdue in those circles where it is still taken for granted that rights are the gleaming political sword that will right all wrongs.

I very much hope that *What’s Wrong with Rights?* will put an end to that.

Thank you.

What’s Wrong with Rights? Social Movements, Law and Liberal Imaginations, published by Pluto Press, London, 2018.

A critique of liberal rights exposing the paradox between 'good' capitalism and the reality of its actions.

Publisher’s information:

Through mapping the rights discourse and the transformations in transnational finance capitalism since the world wars, and interrogating the connections between the two, Radha D’Souza examines contemporary rights in theory and practice through the lens of the

struggles of the people of the Third World, their experiences of national liberation and socialism and their aspirations for emancipation and freedom.

Social movements demand rights to remedy wrongs and injustices in society. But why do organisations like the World Bank and IMF, the G7 states and the World Economic Forum want to promote rights? Activists and activist scholars are critical of human rights in their diagnosis of problems. But in their prognosis, they reinstate human rights and bring back through the backdoor what they dismiss through the front.

Why are activists and activist scholars unable to 'let go' of human rights? Why do indigenous peoples find the need to invoke the UN Declaration on Rights of Indigenous People to make their claims sound reasonable? Are rights in the 20th and 21st centuries the same as rights in the 17th and 18th centuries?

This book examines what is entailed in reducing rights to 'human' rights and in the argument 'our understandings of rights are better than theirs' that is popular within social movements and in critical scholarship.