

RESPONSES TO TRACK ONE: COMING OUT

Some of the issues raised in the responses will be the subject of future tracks so I will not deal with them in any depth now. Inevitably the right role for law raised its head: Holly Bontoft, Nick McGill, Carl Schnackenberg and Jamie Grace made a range of incisive points along these lines which I appreciate I will need to tackle when the tracks turn to law.

The same is true for the observations of Favio Farinella and Picafore on religion and ethics, the comments of Anthony Langlois on the risks of reactionary co-option of the language of human rights and of what Seevun Kozar has had to say on causing offence: all interesting and at times provocative and needing to be dealt with for sure, but not right now.

There were, I think, three main ideas emerging from what my commentators have had to say about the core theme of the first track

Is it right to regard human rights as part of politics?

If it is does it cover all the political space or only part of it?

Does 'human rights' use up all space we have to hand in politics for progressive ideas?

Let me deal with each point in turn.

HUMAN RIGHTS AS POLITICS

The central point of my essay is that they are indeed a branch of politics. Responding to this, Zoe Fianders makes a key point about the tension between a universalist idea in a pluralist world and the difficulty that is inevitable in sticking by ethical idealism in an atmosphere of political pragmatism. But I don't think we need to worry too much about this – all political players think they are right, so human rights people are not as different as they suppose. Politics of all sorts needs idealism and – responding to a later post from Zoe – cannot universalism be *both* the foundation of our argument (its ethical base) and the aspiration we seek to realise through politics?

It is certainly true that the 'label "politics" is tarnished and hard to reclaim'. But I think we need to work hard to do exactly that. Reactionary interests thrive when politics is quiescent. They want politics to be a disgraced activity. Progressives – including I say human rights progressives – should celebrate politics, not run from it.

Hiding our values behind an apolitical cover (Zoe's apolitical fiction) is tempting but I think not the right approach, for the reasons Paul Bernal gives (marginalisation and trivialisation) and also because as Anthony says 'pretending that we all agree on something only makes the political conversations we need to have harder'. The key thing here is that we *need* to have these conversations – not to have them is to support the status quo.

Yes, Kate Donald is right that conservatives will seek to do exactly the same as us with human rights – turn them into *their* politics. But given a level political playing field surely we can win that one: the important thing is to try and not stand aloft declaring our rectitude but in a passive apolitical kind of way.

So it goes without saying that I agree with Paul B's second post that human rights have to be political, and also with his earlier view that they need also to deal with economic justice. (Paul McGill made the same point.) There has been a lot of vacuous talk of fairness in the UK recently, though I wouldn't agree with Paul B that 'it is being challenged fairly dramatically in economic terms right now' in the UK – I'd say what we are seeing is a battle to distort the meaning of the word so that it can mask a reassertion of privilege and the requirements of the affluent over the poor and less well-off.

I think 'fairness' needs the idea of 'human rights' to give it strength and meaning. It is hard to continue to argue you are being fair when your decisions are so obviously taking vital life advantages from many people (some examples: making them pay for university with money they haven't got; driving people from their communities because their homes cost too much; forcing people out-of-work knowing there are few alternative employment opportunities available to them).

On this absolutely central question of human rights as politics I'd like to leave the last word to Jenny Brown who puts it miles better than I've managed: 'I would suggest that human rights are a form of crystallized politics – they are the monuments erected after hard-fought and hard-won political battles. Once highly contested, they run the risk of becoming commonplace and apolitical as time wears on. The lived reality and everyday utility of rights may become routine and insignificant. It is the job of human rights activists to press for more secure guarantees and maintain a certain level of paranoia regarding rights to ensure that people do not become complacent.'

HOW FAR DO HUMAN RIGHTS GO?

A number of those of you who responded were anxious that I might be taking the human rights project too far, filling too much of the space of politics, well beyond what Holly Bontoft so neatly describes as the 'bare minimum or political centre' or to use Favio's words to put it another way, the 'common minimum standards of effective outcome'. Anthony helpfully characterises the debate as one between minimalist and maximalist (or flourish-ist!) approaches to human rights.

I see human rights as fulfilling a double function here – helping secure the political framework for a discussion of right action (civil and political rights) and then supplying the ethical underpinning for one side (the progressive side) of that argument.

Reacting to something Holly says, we need to fight to make a new consensus, not just accept the one we have. This is how we have made progress on, for example, women's rights, on slavery and on racism. And I think the language of human rights has an important role to play in that fight – we shouldn't not use it just because we think it is used up in democracy-creation.

The truth is as Anthony reminds that not everyone shares our view of universalist human dignity – they might pretend to but they do not. Why engage with our opponents on this key point without using the best language we have available to us to persuade them we are right and they are wrong.

If this makes me a maximalist then I guess I am proud to be one.

ARE HUMAN RIGHTS EVERYTHING?

Chris Keating is right that making human rights 'the basis for a complete political project' is hazardous. I think the stretching of the words is worth it though and the offence I give to my opponents a sign that I am winning the argument.

What I am anxious about though is this notion of human rights using up all the space. Anthony is exactly right when he reminds us that 'progressive politics has to be much larger' and Kate is equally spot on when she calls human rights 'part of the social justice project' and not a replacement of it.

I agree with both of them: in my very last sentence I say as much – human rights are what we have now: they are keeping things going in a dark time and that's why we must stick by them. But hopefully as we re-familiarise ourselves with ideas of justice and equality they will become so obvious that we will not need to spend such time explain and arguing for them. To adopt quasi-Marxist language, we are fighting for a culture in which it will no longer be necessary to fight for human rights.

SUMMING UP

Kate puts it well: 'dialogue, debate and disagreement are part of the human rights project, not an obstacle to it. '

AND AN APOLOGY

Maybe John Foley is right to pick me up on my point about Barack Obama. He did have an authentic story and maybe mine is a cheap shot. But I guess I wish he had made something more out of it, a larger universal frame than the narrow one of his own life, however compelling it is. That is not to underestimate the difficulties here, so brilliantly laid out by Collin Sullivan in the very last post last night – a point about political culture that we'll need to return to time and again in the course of the coming weeks.