

## TAKING TO THE STREETS.

### HUMAN RIGHTS CAN BE REVOLUTIONARY BUT IT MUST ALWAYS BE EMANCIPATORY

It was once entirely normal to link human rights to violence. The idea's first great highpoint, at the end of the 18<sup>th</sup> century, was a direct result of its deployment in two violent quarrels. The American colonists defeated the British Crown in order that they might give effect to certain unalienable rights, which included 'life, liberty and the pursuit of happiness' [Declaration of Independence 1776](#) And a few years later the French freed themselves from despotism so that they might enjoy the rights of man and of the citizen that they thought of as part of their nature [Declaration of the Rights of Man and of the Citizen](#)

Both events were bloody: wars fought, men, women and civilians died, in vast numbers especially in France.

This idea of human rights as sometimes necessitating violence has stayed with us. It is one of the rationales of the Universal Declaration of Human Rights -- the preamble to that document states that the protection of human rights via the rule of law is essential 'if man is not to be compelled to have recourse, as a last resort to rebellion against tyranny and oppression' [Universal Declaration of Human Rights](#)

There is a disturbing irony here: since the Declaration is merely that, a declaration -- in other words not a legally enforceable document of any sort -- does it follow that the document is declaring itself useless right from the start and therefore implicitly calling upon the world's people to assert themselves more directly when faced with tyranny and oppression? We don't have to go this far to see that a world in which human rights are notionally preserved but never properly or adequately enforced is not a world in which the dignity of man is guaranteed: see my first common track [Human Right: An Heretical History](#)

As the Universal Declaration itself makes clear, the rights we are concerned with here are individual rights, civil, political, social and economic, and not the rights of peoples as such – a different (although important) idea which has crept into human rights thinking and which needs to be expunged. I will be talking about this in Track Six.

## WHEN TO MAKE REVOLUTION

In the 1970s, a group of serious scholars and political figures in the United States opposed the detente with the Soviet Union that was the main plank of US policy under President Nixon. They believed that those under Soviet influence were as entitled to freedom as the rest of us. Originally Democrats, they grew into what became known as Neo-Conservatives and went on to enjoy vast influence during the presidency of George W Bush. There was much talk of expanding the frontiers of democracy. And then of course there was the toppling of Saddam.

The catastrophe of the Iraq war – with its spurious deployment of human rights protection by bad faith politicians – should not allow us off the hook when it comes to considering where violence fits in our subject. It cannot be right that proponents of universal human rights allow themselves to be manoeuvred into a corner in which they find themselves forced to accept the primacy of national sovereignty, of the right of the rulers of Burma, North Korea and many other dismally authoritarian places to govern unchecked.

At the same time Iraq is a reminder of how *not* to act. The UN may be a sclerotic organisation slow to act and driven by the self-interest of the permanent five on the Security Council. But it is all we have – beyond it lies a jungle of chaos and violence, a state of nature worse than nature.

What then to do?

- The primary responsibility for a human rights revolution rests on the people or peoples subject to extreme violation of their rights by their government, a

government that we should recall has rendered itself illegitimate by the extent and range of its disregard of the basic principles upon which our subject is constructed: respect for human dignity, accountability to law and government by the people.

- Human rights supporters everywhere and governments with a commitment to human rights should do everything possible to nurture human rights principles in such oppressed places: they should support activists to the best of their abilities, be it a postcard to a prison, an illicit radio station that is quietly funded, or an internet facility that is protected from destruction.
- Mass protests against oppressive leaderships abroad has a place, as does intelligent use of burgeoning systems of direct criminal accountability for egregious international crimes. Sometimes interference in the domestic affairs of other states is a good and necessary thing, and often it will rightly be covert and cloaked in deniability.
- Governments can and should do more, via the United Nations and in bilateral and multilateral trading agreements to pressure inhuman regimes for change. This can involve 'smart sanctions' and *in extremis* military action, though only with the authority of the UN organs.
- Enormous efforts should be made to give the UN a stronger remit in relation to actions on human rights. (I return to this in Track 16, and in a Common Track coming up next week, 'The UN and Human Rights: Time for a Great Awakening'.
- There is a role as well for regional enforcement of human rights standards, allowing for a more intrusive engagement with human-rights-offending regimes where it is its neighbours who are making this point, and not Geneva and New York speaking from afar.

#### AND VIOLENCE FROM WITHIN?

The Nobel Peace Prize went to Liu Xiaobo specifically because his protest has been peaceful. But he is in jail and many of the Tiananmen Square protestors are dead. Nelson Mandela is still alive and a glorious hero across the world – but he did not get

the Nobel Prize until it no longer mattered, in 1993. His crime was to have refused to rule out violence in the pursuit of freedom.

Violence can sometimes work to release the energy of an oppressed community. It is easier to manage when it flows out of a patriotic front, drawing support from across society and pushing for a new indigenous order to replace foreign occupation. That is why nationalist struggles have proved best at controlling afterwards the violence that liberation has necessarily unlocked.

But it is a dangerous beast, easy to begin, very hard to control. Violence displaces reason with passion, pushes to the front those least afraid to take the next step into further bloodshed. Bad governments react by making themselves worse and those of their opponents willing to match this brutality rise quickly to the top. It is hard to escape this spiral of ascending brutality. And terrible governments do usually win: terrorists (as they will be called whatever the justice of their cause) are usually weak, and more easily destroyed than the few successful examples of victories from history would suggest. And if they win, what kind of political life will they lead – those schooled in minority factional violence rarely make effective politicians in peacetime, the anger that made them good subversives makes them bad leaders. (Perhaps readers can offer some examples?)

It is not necessary to be a pacifist to assert that in almost all circumstances, situations of illegal occupation and racist domination aside, subversive violence in support of human rights is likely to be ill-judged and counter-productive.

Imaginative protest from within (mass protest if possible), and strong action from outside plus patience, determination and staying power are what make a human rights revolution with the potential to survive beyond the first exciting flush of liberation.

DOES LAWLESSNESS EVER FIT IN A DEMOCRACY?

Lots of countries with elected governments embark on policies for which electorates have not specifically voted, French pension reform is one recent example, the British spending cuts due this week another. In other democracies the power of money or the courts or both is such that it is sometimes hard to think of a place as a 'proper' democracy at all: the United States of free speech for corporations ([summary of the recent supreme court case](#)) and [Bush v Gore](#) comes immediately to mind.

But we need to keep our minds focused here. If it is almost always wrong to engage in subversive violence to destabilise and then seek to destroy repressive regimes, how can it ever be right deliberately to deploy violence for political ends in a democracy, even a faulty one? Yes parliaments are dominated by money, electoral systems are unfair, manifestos are disregarded – but in even defective democracies there are answers – crowds on the streets; tactical litigation in the courts; mass campaigning in civil society; and of course eventually the vote – no democracy can entirely disregard mass rejection without ceasing to be able even to pretend to be one.

Of course sometimes ostensibly 'democratic' countries are so contemptuous of what democracy involves that the guard slips and brutal authoritarianism drifts into view: the Zimbabwe of just a year or two is one example – but even there the MDC has secured a toehold on power and change (however slow; however small) is at least on the way. And for all their faults the US and the UK democracies are far, far away from the Zimbabwean model.

This is not to say that the only thing you can usefully do in a democracy is vote every now and again and follow the news closely in between. There is vast scope for sensible non-violent protest in a democracy, even a faulty one – and this action can easily be criminal (if you are brave enough) or just inside the margins of the law (if you are clever enough). The important point to make here is that in a democracy movement for change requires reason not revolvers, argument not ammunition.

So how far *exactly* can you go in a democracy? This tricky question is more subtle than it sounds – my [second common track published this morning](#) deals in depth with this issue.

AND EMANCIPATORY?

The whole point of these essays, indeed the rationale of the pledges with which I launched this site ([Manifesto](#)) is that human rights as a subject is nothing if it is not devoted to the promotion of the talent of us all, to achieving a world in which we all have the chance to do the best we can. We can and should go far down the road of engagement to achieve this – on our own behalf and on behalf of others. This can take us to and beyond the margins of the law. But only extraordinarily rarely – and never in a functioning even if defective democracy – should it take us to violence against the person.