

A Closer Look at Human Rights

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Fighting poverty cannot be reduced to a defined social or humanitarian policy. It is the ongoing questioning of the unity of human rights and of the marginal position they occupy in our political systems, systems that are, hopefully, on the road to democratisation. Human rights have the advantage of containing norms rooted in both the liberal standpoint (political and civil rights) and in social thinking (economic, social and cultural rights). Any present-day democracy should implement these rights in equal balance, as an answer to poverty, and for the benefit of all

Human rights were created along the lines of the classic ideological divide and are still defined within this contradictory system. On the one hand, there are civil and political rights which guarantee autonomous individual liberties in the face of a State that must always be limited. On the other hand, the economic, social, and cultural rights require the State to intervene to foster social protection, health care and education. By setting up the bases of a better democratic consensus, the current development of human rights may be instrumental in narrowing the ideological divide between right-wing and left-wing political views. The goal of the new social policies is to ensure social rights - especially for people living in extreme poverty - without giving the illusion of being a welfare state. On the contrary, these policies must reflect a greater concern for economic logic. Each human right is a means through which individuals or groups can define themselves as full partners in the social, economic and cultural fabric of society, able to intervene for themselves in the interpretation and implementation of their own rights.

The Unrelenting Question

Humanitarian action, when it is not part of a wide-ranging, systematic policy, often intervenes abruptly on the grounds that a certain right has not been respected, and interferes in such a way that others have to repair the damage, if possible. This can originate from a militant good conscience, whereas any action in social policy ought to use time to its advantage. By playing for time, one learns how to take into account different measurements of space and time. One gains a more comprehensive understanding of the situation and of how to respect all partners.

This general affirmation is where we stand on the horizon of human rights, i.e. at the somewhat utopian dawn of a new day when political action will be truly founded on reason. For the time being, any people who choose action - be they members of some institution, as are social workers, or be they activists dedicated to an urgent and manifestly fair cause, or simply those who donate money to charity - rightfully wonder about the following matter: will not their humanitarian action become an alibi that allows the social framework to continue as it is? This is an unavoidable, harrowing question, one which any single person probably lacks some of the elements needed to answer. That is why any citizen should rightfully be able to demand that this matter be one of ongoing, public debate.

Making such a demand implies the out-of-hand rejection of a reductionist position according to which a general policy - a relatively rational one, economically and politically speaking - could be based on the general rules of life and competition, and whose development would necessarily end up producing excluded people on the margins of society. In a situation such as this, any social policy or, if there is none, any humanitarian commitment, would merely serve to shrink as much as possible these margins of society, so that the system could keep on working. This so-

called rationality is reductionist since it does not take into account the dignity of the excluded. These excluded people are authors and actors of their own rights.

Exclusion has deprived them of this quality, which has to be restored. Therefore, inclusion does not consist of merely giving, but of providing aid that is necessary for those included to be able to give in return and be partners in general reciprocity. By nature, our societies tend to conserve their systems and are reluctant to accept the logic of inclusion. The excluded are part of the justification of the system, insofar as they are assisted just enough so that they are not likely to complain. Society ends up considering it fair that there be poor people assisted by humanitarian institutions, because this situation shows that success is not free and that risks have not disappeared.

A social policy truly based on human rights cannot abide a compromise that accepts exclusion as inevitable. We do know that there are causes for this exclusion, and policies should aim at taking them into account. This is no utopia; it is rationalism. The goal is to consider the whole person, and humanity as a whole. No doubt no one will ever reach that goal, but how is progress possible if we do not even aim at it? The idea is not to go further along the same path, but to look elsewhere; not only toward the effects but also back to the origin, that is, to the human being, as an individual and within a community, as both author and the actor.

Human rights are a moral protest which can only be effective if it can prove its rationality¹. Human rights have the advantage of defending the norms rooted in both liberal thought (political and civil rights) and in those inherited *from* social thought (economic social and cultural rights). Criticism is needed of both the liberal state and the social one.

Those working toward social policy, be their roles private or public, are aware of the following: on the one hand their actions disturb conservative views and, in so doing, may prompt reactions which can be worse than the status quo; and on the other hand, their actions can be dangerous, not only because of these reactions but also because of the permanent risk of error.

The problem is that, if political and civil rights are formally guaranteed, economic and social rights are not. Cultural rights fare even worse. Because of the failure of the welfare state, and the emergence of an entirely new social logic, we are in a fundamental theoretical void. And yet the necessary starting point consists of rethinking any analysis of the situation in light of the most urgent plight, that of the poorest. Because any situation of such urgency goes to the root of the problem, taking it into account means one cannot avoid the full complexity of the issues involved. We cannot accept knee-jerk responses to such urgency. When a quick response is indispensable, it must be very limited or the effects of the cure may be worse than the disease itself.

The Rights of the Poor

Accepting poverty as inevitable goes hand in hand with accepting ideological schisms as a logical necessity. Fr. Wresinski's analyses were extremely clear when he wrote, « Is it not precisely our preoccupation with the achievement of now one category of human rights, now another, that has made us lose sight of what ought to be the very purpose and *raison d'être* of all these rights, namely, the recognition of the inalienable dignity of every human being? What other reason or excuse can here be for our societies allowing some of their members to be exposed to a destructive misery beyond poverty and life's uncertainties and failing to mobilise all their resources to put an end to that disgrace? »²

It is dismaying to realise that the phenomena of poverty and extreme poverty have been largely ignored in the logic of human rights. However, the explanation of this ignorance is sadly straightforward: the poor barely exist and can only humbly aspire toward recognition of a smattering of their rights. Gradually, we have grown accustomed to considering them as people

¹ Without rationality, or worse yet in opposition to rationality, moral protest is nothing but moralism making light of all conservatism.

² J. Wresinski, 1989, *The Very Poor, Uving Proof of the Indivisibility of Human Rights*, p. 28.

whose rights have ebbed away³. As for the truly destitute, they do not exist at all; at the very best, they will live on alms. Even the good done to them is most often yet another sign of exclusion *from* a society which makes them feel guilty. Governments ignore them as long as they cannot be charged with criminal acts. When these people, the subjects of rights, are not ignored, they are denied. If ever they muster enough courage to stand up for one of their rights or to ask for help, they will first be compelled to answer unrelenting questions about the intimate details of their lives, and to cope with permanent accusations which are all the stronger as their needs become more vital. They are asked to justify their semi-existence. If they show that their children have been hurt, they must prove first that they were not the ones who beat them. For the poor, the burden of proof is always reversed. It is much easier if they are presumed guilty, otherwise society would have to confront the void within it. The extremely poor are those from whom society appropriates the right of taking custody of their children, as a drastic answer to the social and economic hardships they undergo. Since they are not able to assume their own responsibilities, all their rights must be suppressed, their role as subjects of rights must be denied. All that is left is to mask this gaping void. This is at the heart of the contradiction and our shame.

« In fact, we fear that excluded people might include themselves [...] and in so doing, they could modify the rules of the game. We fear that they may eventually exist by themselves and not only as a mirror image of social assistance, management and policies »⁴. In order for the system to endure, it is necessary that the excluded, even if they are given a hand-out, remain excluded. Excluded people do not represent a social class, they have no particular culture, they are simply a mass. Sometimes they are even stigmatised as guilty, or at least as responsible, for their own exclusion. This unfair, moralising judgement, which maintains inequalities, runs contrary to a culture of human rights according to which any person is a subject of rights, one who, when shackled by destitution, has the right to the restoration of his state as a subject.

The poor are living proof of the weaknesses and incoherence of our democratic system. Misunderstood, they are the mark of the collective misunderstanding of the indivisibility of human dignity. This is the very reason for the lack of interest and consideration for the poorest population⁵. Moreover, recognising and considering this exclusion would be a fundamental criticism of our system's logic, and not merely of its inadequacies in a world where all kinds of violations are innumerable and beyond comprehension. The well-off can, without risking much, cast a suspicious eye on the over-abstract conceptions of universality. But those whose very rights are radically denied, and those who work by their side to raise these people up, are reminded daily that universality is the most concrete front on which to fight. Poverty is the denial of human rights at their universal foundation in at least two ways :

First, it is increasing everywhere. Poverty and extreme poverty are not peripheral phenomena, limited to the southern regions of the globe or to the outskirts of rich areas; they are universal⁶. The spreading of poverty is also universal. The increase of riches is accompanied by a corresponding increase in poverty. It does no good to moralise about the egotism of economies or governments; things continue as though no one today knew of any way for the world to develop otherwise.

Secondly, it renders all human rights inoperable. The violation of the right to a minimal standard of living triggers the violation of all other rights since the respect of these rights is made, as a consequence, materially and structurally impossible. Poverty also strengthens all kinds of discriminations as it affects mainly women⁷, older persons and the disabled. Finally, the

³ P.H. Imbert, 1989, « Droits des pauvres, pauvre(s) droit(s) », (Rights of the poor are poor rights), *Revue du droit public et de science politique en France et à l'étranger*, Paris, pages 739-766.

⁴ E. Balibar, 1992, *Les frontières de la démocratie*, Paris, La Découverte/essais, p. 201.

⁵ *Second Interim Report on Human Rights and Extreme Poverty*, by the Special Rapporteur, L. Despouy, Economic and Social Council, UN, E/CN.4/Sub.2/1995/15. *Final Report on Human Rights and Extreme Poverty*, by the Special Rapporteur, L. Despouy, E/CN.4/Sub.2/1996/13.

⁶ World Health Organisation, *The World Health Report, 1995: Bridging the Gaps*, Geneva, 1995.

⁷ United Nations, World Summit for Social Development, Copenhagen, 6-12 March 1995, A/CONF.166/9.

extremely poor are generally unable even to know of their rights. This violation not only weakens the individual, it also enmeshes his or her milieu and the generations to come in tangled web.

The incapacity of our system is worsened by the fact that this very inadequacy is legitimated by the definition of social rights as « programmatic rights ». Their application is, de facto, left to the whims of political and economic powers that be. The poor are the victims of a doctrinal and institutional conservatism in the very field of human rights. This leads to discrimination among the most basic rights - civil and social - only because we have not yet been able to find a positive, correct form for all human rights. Our first moral imperative is to take the indivisibility of human rights seriously and to inscribe it in our judicial and political systems.

The Accumulation of Insecurities : A Fundamental Affront to Our Democracies

We cannot answer the demands of the poor because our social systems are fragmented. The lack of recognition of the indivisibility of human rights systematically corresponds to an administrative fragmentation. This correspondence is a « system of exclusions ». The poor are both victims and witnesses of this situation. They can clearly show a great number of ways to re-establish links between what should not have been separated. They can show us how to put human beings, as subjects of rights, back in the centre.

Poverty is the absence of one or more factors of basic security, which prevents people from assuming responsibly or enjoying rights. Extreme poverty is an accumulation of deprivations. The loss of one right affects all the others, resulting in a complete loss of freedom⁸ The distinction between poverty and extreme poverty is thus not merely a question of degree, but of structure as well.

Extreme poverty exists in a void, that place where the systems of exclusion reject, and where public authorities do not know how to collaborate. The aim of the right to an adequate standard of living - the first of the social and economic rights - is a basic guarantee not against any insecurity, but against the accumulation numerous insecurities. The thresholds of poverty are not only quantitative, they are also systemic. As such, they are the barometers of the dysfunctionality of our societies. The very specific place where extreme poverty exists - or rather the void in which it exists - make the poorest very precious and irreplaceable witnesses.

If society manages to give priority to rehabilitating the poorest as authors and actors, by listening to them and treating them as partners, they will be very useful agents of our social peace and common dignity. Adopting the « concrete idealism » of the tradition in human rights and relying on the testimonies of organisations working with the poorest, we start from the clear principle that an extremely poor person is, first and foremost, not someone to be given something, but someone from whom we must receive. The very poor alone can be the authors of their rights, the co-author of strategies set up to apply them, and the co-actor of this application. Only they can teach us the unity and the dynamics of our human rights.

⁸ Cf., decision by the Economic and Social Council of France in its report *Chronic poverty and Lack of Basic Security* of 11 February 1987 [English translation published in 1994 by Fourth World Publications.]: « Chronic poverty results when the lack of basic security simultaneously affects several aspects of people's lives, when it is prolonged, and when it severely compromises people's chances of regaining their rights and of reassuming their responsibilities in the foreseeable future. » This definition is partially quoted and elaborated on in Annex III of the *Final Report on Human Rights and Extreme Poverty* (E/CN.4/Sub.2/1996/13)