

Reclaiming Universal Human Rights in a Plural Global Order for Critical and Comprehensive Activism

In this thought-provoking essay, visiting scholar Mauro Cristeche proposes an upheaval of the way we use human rights for activist purposes towards a more militant, ambitious, and critical approach.



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In the context of the Universal Declaration of Human Rights' (UDHR) 70th anniversary, this blog has been the canvas for the thought-provoking contributions of a number of scholars. If we had to outline a conclusion to a number of those interventions, it would surely be this, [highlighted](#) (<https://www.mcgill.ca/channels/channels/news/open-call-chlrp-blog-reclaiming-universal-human-rights-plural-global-order-opportunities-and-300741>) by the blog's editors in their call for submission: "although the UDHR and subsequent UN human rights instruments have undeniably paved the way for the international human rights movement, grave rights violations continue to be perpetrated around the globe".

I would like to add that most of these grave violations are nothing of a novelty and some of them are even more serious than before. A fascinating interview with UQAM Professor Lucie Lamarche a few weeks ago,^[1] in which we discussed the problems and challenges of the human rights approach, has in that sense motivated me to choose a more ambitious and provocative topic for this essay.

If our goal is to reclaim Universal Human Rights in a Plural Global Order, my proposition is that our reflections need to be brought on the offensive to support demands and strategies with a strong critical perspective on human rights. For this, I would like to highlight some basic ideas: 1) our business is not only legal; 2) we should develop a deeper interdisciplinary approach and not lower our standards; 3) the magnitude of our current challenges demands a comprehensive form of activism.

There is life beyond the legal system

Even when it can contribute to controlling violence, mitigating inequalities, and fighting injustices, the human rights protection system is not an omnipotent instrument. This should clearly be said. Human Rights' evident limits are not, however, "intrinsic limitations", or a consequence of its deficiencies. The fact is that we live in a society in which accumulation and profits are the priority. At the end of the day, needs are satisfied if they go hand in hand with profits, therefore the satisfaction of human rights is not a primary systematic concern. In our current society, what really matters isn't even "sustainable economic growth", but profits. It thus seems like the biggest problem is not the human rights protection system in itself, but rather "the beast" it tries to tame, the system in which it is inscribed.

In other words, it is clear that our legal systems still have unfair, discriminatory, or even irrational rules, and that much work is to be done to improve them. For instance, in Argentina as in most countries, women don't have the most elemental right to legal abortion while the feminist movement has been fighting a persistent battle to obtain it both within and outside of the law. However, it is not less true that a powerful human rights framework has already been created (some talk about an "overproduction" or "obsession" with human rights).

If we reviewed the objectives of the UDHR and all the rights that have been recognized, from the legal point of view, every citizen of this world has a wide legal frame to protect them. Yet there is still a huge gap with the reality today, where a vast part of the world population does not have guaranteed access to the coverage of the most basic needs, such as minimum food or drinking water, and that as said previously, rights remain, in that context, artificial.

Recently, in a conference suggestively entitled "*Illusions Perdues? Droit et Expertise dans un Monde Ingouvernable* (<https://www.usherbrooke.ca/droit/recherche/chaires-groupes-equipes/illusionsperdues/>)", Harvard professor David Kennedy provoked a counterpoint with some speakers, whose efforts seemed to be too focused on seeing traces of neoliberalism even in international human rights instruments. He conceded, while at the same time pointing out: "We are here discussing very big problems: climate change, labor super-exploitation, huge inequalities everywhere. In which human rights treaty is environmental damage, or poverty, or unemployment justified? Maybe the problems are not there, but elsewhere". I instantly thought that it was a more polite way of bringing that popular phrase: "It is the economy, folks."

Of course, it remains important to keep going to the tribunals and elsewhere to claim for the protections inscribed in the human rights framework, but even when we achieve a good outcome for a specific case (something less common than we usually think), "a Court cannot solve all issues", as Professor Lamarche suggested. The "issues" are so big, and often beyond the legal system.

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A comprehensive critical perspective

In that enlightening interview that inspired this piece of writing, Professor Lamarche noted that: "Nowadays we are not discussing how we respect and promote human rights, but where the line of poverty is and how we can make people be just above this line, and then how to take care of the poor. The paradox is that we are sort of following that trap. What is one of the most prominent current demands? Make the rich globalized corporations pay more taxes -not even pay their workers properly. We are not asking for work protection, but only for them to 'pay taxes', which means giving more money to the state, to manage the risks. We are not thinking about how to share the productive wealth. Unfortunately, this is where we are. I am not saying that the experts are not firmly defending labor rights, but that we should pay attention to the ideological environment."

Human Rights Based Approaches (HRBA) have tried to offer a more progressive interpretation of constitutional laws to design public policies based on legal standards such as the obligation for States not to apply regressive, but progressive policies, and also on principles - equality and non-discrimination, universal access to justice, etc.

Many of them have also provided useful tools for judicial activism for the defense and promotion of human rights in several battles, from the rights of people in jail or indigenous communities to women's or disability rights. However, they have mainly focused on the responsibilities of the state and its "redistributive" role, making less effort in rigorous analyses about the precarious satisfaction of Human Rights based on the capital accumulation process. An economic process that presents a double problem: 1) it is itself highly anarchic in terms of organization of production and efficiency (for instance, it needs to produce goods and services above the needs of the population and that population doesn't have material possibilities to consume that production; or there is a huge mass of unemployed population while other big part is super exploited) and; 2) it usually has very opposite needs respect to the Human Rights satisfaction (for instance, it needs to lower wages and living conditions when workers need strengthen their labour rights).

We have here some urgent challenges. First, in order to offer better explanations and solutions (neither which necessarily involve legal approach) from our field, we should try to better understand the complexity of current social problems helped by contributions from other disciplines. Sometimes it is not enough to say that the State does not fulfill its conventional obligations and that it fails in its obligation to protect human rights. Second, we should not limit our problem solving approaches by evaluating their suitability against dramatic situations, reducing their applicability to what is possible. Sometimes it is not enough to claim for "the obligation to guarantee the minimum content of rights" in the face of today's intolerable level of inequality (<https://www.credit-suisse.com/about-us/en/reports-research/global-wealth-report.html>) - where 1% own 45% of all global personal wealth; 10% own 82%; and the bottom 50% own less than 1%. On the contrary, now more than ever, our critical perspectives and our demands cannot be defensive. The Human Rights framework that we already have is enough to be much more ambitious.

For comprehensive and ambitious activism

We have studied for a long time, for example, "systematic violations of human rights" during dictatorship periods, which were particularly hard for Latin American societies, as for many other countries. And we have a firm clarity that we cannot tolerate this and that we have to fight against any resurgence of such dark times.

Let's take a look at our world for a second. Are we not right now living in a world of "systematic violations" of human rights? What we are facing is not a disconnected sum of problems, like extreme inequality, gender discrimination, racism, super-exploitation, immigration crises, commercial and military wars, austerity, censorship, wild extractivism and blind ecocide and so on. Furthermore, these critical problems not only affect a few 'vulnerable populations', they affect humanity as a whole. The climate emergency

probably synthesizes the extreme gravity and urgency of current problems (https://www.youtube.com/watch?v=bL8rVARSn8&fbclid=IwARQ5vTuj9fWXJCWb6lsI5uWnf_oubfve4ZdmMxJPnWQVYBoBHUaY9Jj3-78).

To face such huge challenges, we will need to be more ambitious. We will need much more than wealth taxes, a universal basic income or even reducing CO2 emissions. "We need to take ourselves out of that box!" says Prof. Lamarche. "I don't want to take care of the poor; we need to radically fix the problem. I don't want to make the rich pay a bit more; I want to share the wealth. Let's be more demanding!"

In a recent and famous paper written before passing away, sociologist Erik Olin Wright (https://en.wikipedia.org/wiki/Erik_Olin_Wright) pointed out (<https://www.theguardian.com/books/2019/aug/29/how-to-be-anticapitalist-in-21st-century-erik-olin-wright>) that we should not simply develop a moral stance against injustice and inequalities; we should collaborate on building an alternative.

Producing bold and critical knowledge is a big contribution, as well as it is providing original tools for the protection, promotion, and realization of rights. There are many other things to do from a transversal activism approach to contribute to real change, starting with supporting movements that are fighting for that. Ultimately, it doesn't

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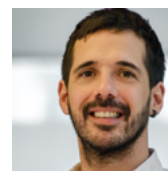
really matter if “the world is better than before”, as some more or less critical perspectives have pointed out. The important thing is that the world could be much better. Indeed, with the social knowledge and technological capabilities our societies have developed so far, we could build a much better world.

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The preamble of the UDHR considers that in a society that does not guarantee the protection of human rights, "rebellion" is a "supreme recourse". In that memorable intervention at the UN Assembly a few months ago, Greta Thunberg said, “right here, right now is where we (should) draw the line.” We should definitely be more demanding, and think about a profound transformation of our way of inhabiting this world.

About the author

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[1]The interview took place at Université du Québec à Montréal on October 15, 2019, within the framework of a postdoctoral research project entitled “*Labor Market and Welfare Policies in Canada and Their Impact on Human Rights, from the Argentinian Experience*”, conducted at McGill University’s Centre for Human Rights and Legal Pluralism.

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