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The democratic neighbour

Politics of human rights in an enlarged Europe

The politics of human rights in Europe had its heyday in the 1990s: today, human rights discourse is held responsible for a multitude of ills. In domestic politics, interest in human rights has been overtaken by a concern with welfare systems, while in international relations, especially in EU accession negotiations, political, economic, and social issues take priority. Marc-Olivier Padis, editor of *Esprit*, defends democracy's radical commitment to the politics of human rights.

Some would find provocative the reference to the New Testament in the title of the panel "Love thy neighbour. Politics of human rights", held at the 18th European Meeting of Cultural Journals. Although the Catholic Church of John Paul II argued that human rights are the secularized heritage of the Christian message, the association of the Christian tradition and human rights is far from self-evident to the many defenders of human rights who still see an opposition between religious obligation and secular norms.

Nevertheless, there are good reasons to prefer the word "neighbour" and its rich connotations over the legal vocabulary of norms. The failure of the vocabulary of the Universal Declaration of Human Rights to offer complex historical connotations has been criticized ever since the first political reference was made to such a declaration. Who is the person entitled to these fundamental rights? A legal fiction? A post-modern self? A bare body subjected to unlimited power? This remains a controversial matter.

The use of the term "politics of human rights" is no less problematic. Historically, it is possible to "claim", "declare", and "enforce" human rights. But is there such a thing as "politics of human rights"? The idea is typical of the 1980s and 1990s, when, in Europe at least, the end of the Cold War gave birth to the belief that international relationships could find a common set of references in the Universal Declaration of Human Rights. Is this period over?

The enlargement of the European Union marked the end of the politics of human rights of the 1990s. The dissidents of the Soviet bloc, symbolic figures of human rights such as Vaclav Havel, became leading politicians in their countries and in Europe. Although their achievement was great, disillusion is growing: today, human rights are sometimes considered responsible for the end of true political life in the West. Now Europe is no longer divided, all European countries are obliged to consider one another as neighbours. It is impossible to say, as the British Prime Minister Neville Chamberlain did in 1938 to justify inaction over Czechoslovakia: "these far-away countries of which we know little". The euphoria of the 1990s was to hope that consensus in Europe was strong enough to define a common political model that included

a free market economy, the rule of law, free elections, a pluralist constitutional order, and so on.

Human rights are still the major common point of reference in Europe. However, today, the political role of this reference is weaker, even within the European community.

First, welfare systems and social standards appear to have become more crucial issues, as we saw during the French debate on the European constitution. Widespread concern about the future of social standards is, at least in France, the main explanation for the new anti-European mood.

Second, the diplomatic role of human rights will weaken in the neighbourhood of the European Union. The Orange Revolution in Ukraine was an occasion to celebrate the importance of free elections. However, in other countries seeking membership, including Turkey, the question of human rights is likely to be a minor one. If the positive trend in Turkey and in the Balkans continues, the major weight of membership negotiations will fall upon political, economic, and social aspects, and probably less upon fundamental rights. This means that high democratic standards will be reached in these countries; however, that alone will not be enough to guarantee membership.

Third, human rights have been referred to in negative terms in the debate on just and unjust wars. The 1990s were a time of euphoria for human rights advocates — not because they thought that the UN charter would be applied immediately everywhere on earth, but because public opinion was strongly against the non-intervention of Western countries (as we know, non-intervention was the official European policy in the Balkans for too long). However, if one looks at the contemporary attitude towards Russia, especially in France and Germany, it is obvious that human rights no longer plays the political role it did in the 1990s.

The rejection of the policy of non-intervention gave rise to the idea of "humanitarian intervention", in other words, military action on behalf of human rights. Military intervention in Kosovo, after ten years of a common European failure in the Balkans, was an example of a military action intended to enforce civilians' right not to be forced out of their houses and towns. The 9/11 attack has considerably changed the landscape; the neo-conservative project to spread democracy by force and to make a new "Greater Middle East" has been joined by the concept of "war on terror". Anglo-American intervention in Iraq has created a split between advocates of human rights who agreed about the impossibility of non-intervention in the former Yugoslavia. With the "war on terror" and the attack on Iraq, the weakness of the architecture of international relations has become clear. Once again, the war in Iraq has revealed and widened the international community's lack of authority; however, this time, surprisingly enough, human rights have been opposed to the idea of an international community concerned with building global security. From Immanuel Kant to the UN charter, the reference to human rights was part of the idea of building, at least minimally, international security through the community of states. If today the politics of human rights means — in view of the "Greater Middle East" project inspired by the American neo-conservatives — nation building and democracy through military action, then it is clearly the end of what was meant by the idea during the 1980s and the 1990s.

Nevertheless, human rights should still play a role in international relations. Human rights are widely accepted as a core set of obligations, even if we know that many states do so with a great deal of hypocrisy. Human rights have given rise to new obligations, and to new international institutions such as the International Penal Tribunal, whose role could become significant in coming years. Human rights are also an alternative, at least theoretically, to the *Realpolitik* of sovereign states: cooperation between NGOs, states, and international institutions, such as that in the Tsunami relief operation, can in some cases be for the common good. This does not mean that states abandon their sovereignty, that each and every NGO is to be trusted blindly, or that international institutions are a premonition of tomorrow's global government. It means only that reference to human rights has a role to play in international relations, as long as one takes into account the reality of sovereignty, and acknowledges the inadequacy of many international humanitarian programmes, and the inability of any single declaration of human rights to have real political life at the national or international level.

Human rights as such do not constitute the whole political programme of modernity; rather, they represent one of its fragile achievements. It would therefore be unwise to ignore the limitedness of the achievements of the declarations of human rights and to criticize human rights politics as though they were the main threat to our political systems. Today, the role played by human rights is dangerously small. Formerly, the concept was a powerful weapon aimed at totalitarian systems. Now that the Marxist rejection of human rights as the pure expression of bourgeois rights has vanished, the emergence of new critiques can be witnessed.

The first of these considers human rights to be the best example of the modern claim of *illimitation*: that individuals encounter no limit when it comes to their fundamental rights. The result is that a person endowed with these rights does not think of him— or herself as a citizen but as a consumer. To this, the objection can be made that — supposing the claim to freedom or respect is truly the main risk of illimitation posed in a globalized free-market economy — there is indeed self-limitation within the Declaration of Rights. This limitation arises from the *plurality* of rights: the freedom to hold property, for example, may contradict the freedom of movement, and so on.

Second, human rights are frequently held responsible for the *depoliticization* of Western societies. Allegedly, being based on the rights of the individual, human rights politics tend to forget the constraints of political life understood as the collective power to decide. This argument frequently leads, as in the philosophy of Alain Badiou, to a non-democratic celebration of revolution by a minority and of the use of violence as the proof of the effectiveness of action and decision.

The third critique is that of *dehumanization*. In a strange reading of Hannah Arendt, Giorgio Agamben (for example in *Homo Sacer*) sees in human rights the introduction within the Western political model of the reference to the "bare life" of the individual. To entitle the human being with fundamental rights from birth, so the argument goes, means to found politics on biopolitics, an association that leads, for Agamben, to nationalism and concentration camps. In fact, Arendt pointed out that the Declaration of Human Rights conceives of the individual as a legal fiction, and is thus unable to protect an individual deprived of their political rights. Agamben upturns this idea by saying that human rights naturalize the individual — the complete opposite. Arendt concluded her remarks on the limits of fundamental rights with the idea

of the "right to have rights"; her major concern was that without a political community it is useless to claim fundamental rights, and therefore, that the first guarantee of the application of human rights was the possibility of forming a political community. For Agamben, conversely, the Declaration of Human Rights is the beginning of the Nation–State, giving the State the possibility to grasp the "bare life" of the individual. Commenting on Agamben's analysis, Slavoj Žižek argues that this is the "obscenity of Human Rights". In this neo–Leninist commentary of human rights, democracy, seen as a permanent state of exception, whose destiny is to build concentration camps, has no substantial difference to totalitarianism.

The goal of these three critiques is to renew an understanding of human rights via a radical attack on democracy — conservative in the first case, Maoist in the second, and Leninist in the third. The exoteric element of these critiques is a demonstration of the limits of references to human rights; their esoteric element is a rejection of modern policy and its complexities, above all pluralism.

Therefore, we must still ask: What is the radical meaning of democracy? The end of the Cold War signified not the final victory of the politics of human rights, but the beginning of a new democratic task. Democracy is not only about organizing power; it is about the right to have rights, about trying to realize a set of common values. What does this undertaking mean when it comes to international relations? It means new contradictions and new challenges, if we are not to say lazily that the Universal Declaration of Human Rights has failed because human rights are still violated on the planet. After all, what is the role of politics if not to reduce as far as possible the gap between declarations and facts?



This article is based on a contribution to the panel discussion, "Love thy Neighbour". Politics of human rights", which took place at the 18th European Meeting of Cultural Journals in Istanbul from 4 to 7 November 2005.

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