

DEAR HUMAN RIGHTS MOVEMENT

By Jonathan Rowson

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Dear Human Rights Movement,

I decided to write you a letter. We don't know each other, and I am not even sure we know ourselves, but I am hoping to evoke the kind of responsive attention you have successfully sought for centuries. I am a civilian who lives a life made possible by your efforts, and I wish you well, but I write as a critical friend. I am less a keeper of the flame than an admirer of your flame from a safe distance, sad to watch it diminish, and fearful it may soon be extinguished. I am writing because I believe the regeneration of your movement has a role to play in saving humanity from itself. In what follows I contextualise the need for that regeneration, and sketch out what it could look like in practice.

Towards the end of 2017 I was awarded an Open Society Foundation (OSF) Fellowship. I am part of a cohort that was focussing on the putative crisis in human rights, coming to terms with the rise of nationalist authoritarianism around the world and the apparent implosion of liberal democracy. Applications were sought in response to the contention that rights needed to be better protected from populism and election-corrupting technologies.

It seemed clear to me that the problem of rights violations was about much more than temporary subterfuge.. The crisis in human rights is symptomatic of a deeper and broader meta-crisis: a crisis in our perception and understanding of the world's challenges that stems from a failure to contend with the meaning of multiple interconnected problems arising from the material and spiritual exhaustion of modernity.

Ideologically speaking, I am one of Fukuyama's Children. I grew up in Scotland during the latter stages of the Cold War, and as a student I kept hearing we were converging on 'The End of History'. I am part of a generation who presumed liberal democracy is the default setting for society, that economic growth is a given, and things will always get better. I no longer think that. In fact, I strongly suspect we are wayward beings living in a suicidal civilisation. Humanity *as a whole* urgently needs to wake up, and I believe the human rights movement has an important role to play in that awakening.

Movements are fuzzy edged and I cannot know *exactly* who I am writing to. You may be an activist, a scholar, a lawyer, a journalist or the kind of protean team player who keeps the show on the road. You may be more or less political, more or less angry, and more or less

patient. You may even be a judge. If your professional purpose is grounded in protecting human rights, the first thing I want to say is thank you. Thank you for fighting for the dignity, capability and moral equality of every human being. Thank you for remembering the forgotten, giving voice to the powerless, and striving to keep humanity awake to its better nature. Through your emancipating passion, diligent testimony, campaigning zeal and legal prowess, you have operationalised the conscience of humankind.

Operationalised? Some say the movement has been colonised by technocrats. Some say that's a sign of success, others that you've lost your way. Maybe you are *too* powerful now? Maybe you are not nearly powerful enough. Maybe it's time you reimagined your power.

Through reading, reflecting and travelling for my fellowship, I came to enjoy your contested terrain. The empirical optimism of Kathryn Sikkink and the friendly critiques of Samuel Moyn made a strong impression, while OSF research trips helped me *experience* aspects of the conundrum. Sarajevo disclosed the ubiquitous plausibility of incipient war, Gorée Island in Dakar helped me see slavery as capitalism at its most insidious, and in Mexico City I felt an eerie dissonance while walking the streets of an apparently prosperous democracy without a meaningful justice system or free press. An LSE course on Human Rights Law gave me a feeling for the legal frameworks and bureaucratic tentacles of the global rights order, while schmoozing with NGOs gave me some sense of human rights *praxis*.

At the time of writing it is early spring of 2020, during the coronavirus pandemic, where life as we know it has been called into question. As the biological premise of social life becomes palpable, the open secret of our shared mortality is heightened. When preventing death is a global priority, the ultimate question of what we are living for is revitalised, and it begins to look misplaced in the private realm. Meanwhile, the systemic fragility and inherent injustice of our political economy is rendered transparent, as is the realisation that *inconvenience* – whether it's Australia on fire or a virus keeping us indoors – is now an endemic feature of an ecologically compromised world.

Covid-19 may only be with us for months, but it is a harbinger of a process of planetary collapse that has been unfolding for decades. Returning to normal would be unwise, if it is even possible. History tells us that civilisations are mortal, but this is the first *planetary* civilisation that could in principle conceive and then give birth to a new civilisation from within one that appears to be dying.

I wondered if you might be able to help with that? It's not a small favour, I know, but I wasn't sure who else to ask. I know that you tend to work on more discrete problems and that saving civilisation from itself hasn't really been *your thing* for about seventy years. But you won't have to do it alone, and given the world-historical heroism of your movement, I figured you might already sense the opportunity for renewal.

You are a singularly important movement because you are both insurgents and incumbents, campaigners *within* a legal regime – who else can really say that? You may feel like your activity coalesces around a small number of weary international organisations, but you are also their millions of paid-up members, and through your influence most countries have incorporated human rights into their constitutions to some degree. You are also part of the premise for liberal internationalism that, for good and bad, has shaped foreign policy for several decades.

You *are* powerful. You represent the hard-won hard power of legitimacy. You are ambassadors for constitutions and the rule of law; as emissaries for the *Logos* you guard the process of constructive reason. And your *Mythos*, your soft power, is perhaps even more important: the power of influence, attraction and inspiration. Human rights remain a touchstone for humanistic imagination and the indivisible dignity of the individual that we feel in our souls. Love is always specific, but thus far you alone have succeeded in expanding our circles of belonging towards the kind of aspirational and universal *We* that is needed to re-enchant the idea of a global community.

With that context in mind, if human rights is the answer, what is the question?

Some of the following may apply:

1. How can we ensure dignity for all human beings?
2. How can we protect people from their political leaders?
3. We are born without asking for it; what are we entitled to?
4. If there are universal moral principles, how do we spread and uphold them?
5. How might the rule of law be used as a vehicle for inclusion and emancipation?
6. How can we protect minorities from majoritarian whims?
7. How do we give institutional expression to the idea of citizenship?
8. How do we establish institutional touchstones to support vibrant civil societies?

These questions would typically be asked by people of a broadly liberal sensibility. They amount to the aspirations of modernity that we still carry with us. However, there is much that these pertinent questions overlook that has a direct bearing on why human rights in its current form may not be best placed to provide the answer.

In a post-modern context with no prevailing meta-narrative for the world as a whole, nor any credible belief in global governance, where theories of progress are contested and there are always competing interests and perspectives in play, the questions to which human rights are the answer will inevitably diverge.

When we zoom out from the perspective of an idealised citizen, an abstract universal subject seeking non-negotiable claims against the state, and instead look at the functioning of the planetary system as a whole in historical context, human rights are not obviously an immune system. They are that, but they can also be seen as an auto-immune disease. Consider Carl Schmitt's chastening line: 'Whoever speaks of "humanity" is a liar', and then reflect on the perspective of plutocrats of various kinds; people with financial or political interests for whom human rights are not about a universal aspiration but a means to self-serving commercial or strategic ends.



'The Reckoning' - Christopher Burrows, 2020

Then ask again, with a slight tweak:

If human rights are *your* answer, what is *their* question?

1. How do we speak on behalf of humanity to punish those we disagree with?
2. How do we institute global laws to spread a particular form of democracy that defers to the presumed wisdom of the market?
3. Is there a way to create an institutional framework that looks like it helps clean up the social and ecological collateral damage of capitalism, without getting in its way?
4. What kind of ideological vehicle could support the affluent West in claiming the legitimate use of force on the world stage?
5. Could we create a valued mechanism premised on the importance of performative shame and outrage that was ineffective at addressing the root causes of problems?
6. If we wanted to create an apparently axiomatic and shared set of moral touchstones that would never be fully accepted because they are historically and culturally specific, how would we do it?
7. Is there a way to make it look like the most important political relationship is between the state and the citizen, while diverting attention from the extraction of natural capital, transnational financial actors asset-stripping the public realm and technology colonising the lifeworld?
8. Is there a way to alienate particular individuals in particular places by suggesting that an idealised abstract individual is, in principle, more important than them?

In each case, the fact that ‘human rights’ *could conceivably* be the answer should inform any global agenda based primarily on your aim of protecting and upholding human rights as a way of organising political and moral life. It is true that human rights can be a moral lodestar to direct and share power, but they have also become a political and legal instrument to misdirect or subvert it.

It is well known that the high rhetorical significance of human rights coexists with *much* lower levels of compliance and enforcement. Political scientist Zoltàn Bùzàs highlights that beyond violation and compliance there is a curious phenomenon of human rights *evasion*, in which states regularly act in ways that are ‘lawful but awful’: compliant with human rights law, but not with their underlying norms. Bilge Yabancı’s fieldwork in Turkey illustrates that civil society is not always a healthy check on government power; it can be proactively created to serve authoritarian ends while wielding the language of rights. Such approaches are possible because rights are often in tension with each other, not least because the right to private property (including land and intellectual property) is woven into every aspect of the social and economic fabric in which all other rights are manifest. Clearly it is possible to make progress on rights compliance without making moral or political progress. To illustrate, the conditions at the Guantanamo Bay detention centre have improved so much... that it’s still there.

Most of the nine major human rights treaties have been ratified by the majority of countries. And yet the World Justice Project's Rule of Law Index shows fundamental human rights are reported to have diminished in almost two-thirds of the 113 countries surveyed. The signature achievement of the human rights movement was ending slavery, yet the International Labour Organization suggests 25 million people are trapped in modern-day slavery, and that's before we consider widespread economic precarity as a form of bondage and exploitation. Uighur Muslims are imprisoned for indoctrination in Xinjiang in western China, Syrian war refugees drown in the Mediterranean Sea, and bewildered children are trapped in cages by US authorities as their parents seek them out in vain.

The work is not done, and it often looks like it is becoming undone. After many generations of struggle, I can see why you are exhausted.

When I consider the human rights movement *striving* all over the world in our current context of ambient collapse I am reminded of folk singer Joan Baez's reference to 'little victories and big defeats'. I am not surprised there is widespread burnout in the movement. I am also reminded of the poet David Whyte saying that the antidote to exhaustion is not in fact rest, but wholeheartedness.

The human rights movement is exhausted, I believe, because it has become difficult for you to feel wholehearted about your work. The connection between your moral aims and your legal and political methods has been severed by a shift in the underlying cultural, economic and ecological context of your action. It is not clear if you have the imaginative and volitional resources required to transform your strategic emphasis and modus operandi, but there is just too much counter-play to keep control of the position with your current strategy.

While there is little popular support for challenging the rule of law as such, there is considerable resistance to human rights law. It took me a while to figure out why. As with so much heat in the discourse on human rights, light only starts to arise when we distinguish between human rights morality, human rights law and human rights politics and start to think about their relationship. Viewed this way, human rights law is the institutional expression of a questionable conviction that the battles of human rights morality and politics have already been fought and won. A recent comment by a former UK Supreme Court judge on Giles Fraser's 'post-liberal' Confessions podcast captures this predicament well:

Lord Sumption: 'The price of rights to liberty is the abuse of those rights by other people. The price of democracy is that we may find ourselves in a minority.'

Giles Fraser: 'Except it's interesting, isn't it, because those people who defend rights language often defend it as being an expression of the liberal tradition.'

Lord Sumption: 'Yes, I know, but the liberal tradition has no right to a privileged position in the constitution, any more than any of the other isms.'



'Human Rights Morality, Law, and Politics' - Christopher Burrows, 2020

This short exchange speaks to broader critiques of liberalism as a stealth ideology, but also reveals why it is problematic to view human rights as an apparently universal, unimpeachable given rather than a tool to serve an ideology that doesn't see itself as an ideology. Political Theorist Wendy Brown puts it as follows:

'Human rights is a politics and it organises political space, often with the aim of monopolising it. It also stands as a critique of dissonant political projects, converges neatly with the requisites of liberal imperialism and global free trade, and legitimises both as well.'

Sociologist and OSF Fellowship Chair Chetan Bhatt reinforces the same underlying point, suggesting that whatever human rights are, or were, or could be, they are currently a strategy for governance above all:

'The definition of a rights-based approach is less a political theory and even less an ethical form, than it is a procedural blueprint that subsequently develops its own independent social life.'

The movement is therefore in a curious predicament. A rights-based procedural blueprint has become a way to operationalise not so much the conscience of humankind, but liberalism as a stealth ideology. 'Liberalism' means many things of course. The term is not used here as a bogeyman but to highlight a pattern that connects self-defeating norms and self-protective denial. The underlying mechanisms of Liberalism often subvert their own logic. For instance, through its emphasis on the protection of the individual by the state, the power of intermediate institutions were weakened, and our polis has become simultaneously more individualist and statist. And through relatively undiscerning support for the apparently free market, Liberalism has facilitated the coercive power of commerce in advertising and addiction, in ways that make us less free. As Patrick Deneen puts it in *Why Liberalism Failed*: 'Liberalism created the conditions, and the tools for the ascent of its own worst nightmare, yet it lacks the self-knowledge to understand its own culpability.'

In an essay in *The Boston Review*, Geoff Mann deepens this point about the worsening ecological crisis in particular:

'Growth, progress, consensus, reason, reasonableness, equilibrium: none of this can be depended upon at present. Even liberalism's conception of what it means for something to go wrong, the promised finitude of the moment of crisis, does not work anymore... All of which is to say that the *reality management system* by which history is assembled for Spaceship Earth's most privileged passengers has failed, and those passengers do not know what to think or do because the categories that are supposed to make sense of experience are increasingly inadequate. *The tragedy of liberalism is its inability to narrate the end of progress*' (my italics).

I believe the human rights movement needs to transcend and include liberalism, not reject it. In practice that means, paradoxically, narrating the end of 'progress' to build political hope. Your challenge is to communicate that while one world appears to be dying, another can yet be born, and in that endeavour you are not so much pioneers, but midwives. As Arundhati Roy put it: "Another world is not only possible, she is on her way. On a quiet day, I can hear her breathing."

I am reminded of a breakout discussion at my first Open Society Foundation meeting in Sarajevo in 2017 when Leonard Benardo, now Vice President of OSF, simply said: ‘There needs to be a reckoning...a reckoning that we could be facing the collapse of the liberal order.’ Right, I thought, but on reflection I believe that *to do that* we need a broader historiographical approach. We need to contextualise how our implicit cultural codes have evolved to see where human rights sit within that evolution of context. To make sense of that in this letter, I ask for your generosity of spirit as I take a few conceptual liberties.

Let us say modernity was (and is) about coming to terms with what institutionalised rationality means for humanity, driven by an aspiration for universal progress and grounded in science and law, including civil and political rights. And let us say postmodernity was (and is) about coming to terms with the limitations of institutionalised rationality and the lacunas of progress, driven by critique and grounded in the inclusion of specific peoples, contexts, perspectives and narratives, including social, cultural and economic rights.

If those summaries seem broadly valid, today we are living in *Metamodernity*, which is a new historiographical epoch defined by a digital lifeworld and ecological collapse above all. Metamodernism is about *how* we come to terms with the strength and limitations of everything that has gone before – including indigeneity and pre-modernity, but especially modernity and postmodernity. That’s the setting for the scale of reckoning required.

Metamodernism offers *post-tragic* hope because it combines systemic understanding of a collapsing world system combined with a pragmatic orientation to serve and transform the deluded, denatured and digitalised world as we find it. This post-tragic spirit connects back to the Christian origins of human rights; not just in what my old politics tutor Larry Seidentop calls “The *invention* of the individual”, nor merely in Tom Holland’s more recent articulation of what modern social norms owe to Christianity. More pertinent still is Samuel Moyn’s contention that in the decade or so before the UN Declaration of 1948, the Christians that drove that agenda saw human rights not so much as a way to protect the individual but as a communitarian investment in moral order.

The idea of a moral order sits uneasily with me, and I imagine you share the fear of the coercion it implies. Yet part of the challenge is precisely that the legal order of human rights has *pretended* to rest on any underlying moral order that has been taken for granted, rather than pro-actively cultivated as a socio-political agenda with educational implications. As many have argued in different ways, one of the main problems with the human rights project is that it tried to establish moral equality without building social solidarity.

I am not religiously Christian in any conventional sense, but I do believe the human rights movement, cosmopolitan and plural though it should be, cannot really know itself unless it makes peace with its Christian origins. Particularly relevant, I believe, is the Christian belief that when Christ was resurrected after his crucifixion *he was still wounded*. Whatever the historical or religious truth of that idea, it feels pertinent today. There are many origin stories, and many other influences, but the religion that had a preeminent influence on the genesis of the modern human rights movement is infused with a post-tragic spirit, and I believe the future of human rights has to be post-tragic too.

The metamodern inclination is not to fixate on vision or critique but to establish pragmatic *methods* informed by their generative relationship. In practice, that means acquiring the disposition to *oscillate* between vantage points and epistemologies: ecology and economy, comedy and tragedy, love and power, global and local, masculine and feminine. Metamodernism is a patterning of sentiment that has given up alighting on despair *or* hope, and constantly moves between them in tune to a conceptual music that allows us to dance in a spirit of sincere irony, knowing that not everyone hears the same music and that no formalised dance routines are likely to be adopted universally. And yet what makes the metamodern disposition different from postmodernism is that it has matured beyond mad relativism; it knows that some songs are *more beautiful* than others, and it is not only possible but *good* to learn to dance *better*.

The human rights movement is suffused with modern (idealist, progress-driven) and post-modern (critical, perspective-taking) sensibilities, but the challenge is to acquire a taste for the metamodern oscillation between them that affords the possibility of generating something radically new from their relationship. That's an important challenge, because the metamodern disposition is surprisingly practical, and grounded in a core contention that should be your guide to action today: civilisations are mortal.

As Covid-19 indicated, the end of our endeavours might arrive embarrassingly quickly. As purposive creatures, we need to keep trying to grow *in some sense*, if only in maturity. Today that means growing in complexity in ways that build resilience while converging on a capacious telos for the world, or failing to, and moving towards greater entropy and collapse. In George Soros's spirit of reflexive realism, we have to act *as if* the world system could evolve to a higher state of integrated complexity and thereby help make it so. The spirit of this attitude can be grasped as a counterpoint to a prediction by Thomas Metzinger in his essay *Spirituality and Intellectual Honesty*:

'Conceived of as an intellectual challenge for humankind, the increasing threat arising from self-induced global warming clearly seems to *exceed the present cognitive and emotional abilities of our species*. This is the first truly global crisis, experienced by all human beings at the same time and in a single media space, and as we watch it unfold, it will also gradually change our image of ourselves, the conception humankind has of itself as a whole. I predict that during the next decades, we will increasingly experience ourselves as failing beings.'

I believe your role today is to make whatever institutional transformations are necessary to reduce the likelihood of the failing beings scenario; that certainly has economic and political implications, but the nature of those implications arise from the imperative of attending to our cognitive and emotional abilities. The point is precisely *not* that everything is about climate now. It's not just that we need to attend to rampant fires, vanishing islands and nuclear hurricanes, nor that it's conceivable that coastal cities like New York City may be submerged before the end of the century. The point is rather that we have to attend in a misaligned context that militates against our attending; a world of surveillance capitalism, socially corrosive inequality, authoritarian democracies, technology-induced existential risks and smartphone zombification. All of these are 'human rights issues', or can be framed and perhaps addressed as such. Yet these things are happening in spite or maybe even in some sense *because* of human rights as a notion, because it consistently reinforces the idea that the world's problems are about good citizens being let down by bad governments in particular places, rather than the somnolence of an entire civilisation.



We have to wake up, and that's no trivial ask. What we face is not merely an emergency, calling for us to act fast, but a *crisis* that is wrapped inside an emergency, compelling us to *get it right* fast; where 'it' is the deep values, practices and processes that drive action across systems at scale; the underlying logic, source code or generator function for civilisation as a whole. That source code, deep pattern or underlying function is not just in the world outside, but within us, between us and beyond us too. Universal human rights was perhaps in the process of becoming that source code once, but it is not any more, at least not in its current guise.

Some call human rights a secular religion, but I think of you more like the fossil fuel industry. I don't mean you are the bad guys, nor that there is any *moral* equivalence. I mean you have been an indispensable part of progress for decades, but business as usual is no longer an adequate response to what we know about the world. Just as fossil fuel companies will have to become different kinds of energy companies to survive, a movement that cares about dignity, equality and capability may have to work with more than 'rights'.

That transformation of perspective chimes with Richard Rorty's critique of the tacit rationalism that underlies support for rights *qua* rights. Rorty argues that it is liberal *sentiments* that underlie commitment to the universal human rights framework, and that these sentiments are grounded in security (economic and political) and sympathy (social and cultural) that are historically specific (and increasingly under threat). As Rorty puts it: 'The tougher things are, the more you have to be afraid of, the more dangerous your situation, the less you can afford the time or effort to think about what things might be like for people with whom you do not immediately identify.'

Our predicament in 2020 is tough, dangerous, and scary, and therefore calls into question not the motivation, but the framing assumptions underlying the entire human rights endeavour. To presume the relatively sanguine international order of nation states, rule of law, putatively free markets and democratising governance is our prevailing telos is not merely wishful thinking; it looks more like a kind of culpable self-harm. The underlying political vectors of the world have clearly changed. The values, institutions and practices we have placed our faith in appear to be unable to withstand the socially corrosive effects of globalised finance, the loss of intelligibility arising from personalised and tribalised media, and cascading ecological collapse.

A metamodern approach to human rights could mean many things, but it entails the absolute necessity of strategic reorientation. The kinds of questions the movement needs to speak to today arise in a *much* more complex moral and epistemic universe:

1. In a world increasingly defined by transnational forces of ecology, technology and finance, how might existing forms of governance premised on sovereign nation states ever be fit for purpose?
2. In a world where the law is often broken with impunity, without shame, how should we seek to renew faith in the rule of law at scale (assuming we should)?
3. In a world where democratic processes are used to consolidate plutocratic power, what do we want government of the people, for the people, by the people to mean?

4. In a world of data-driven surveillance and psychographic manipulation, is it credible to think that people know their own minds and act in their own interests?
5. In a world of filter bubbles, disinformation campaigns and the loss of epistemic shame, is it feasible to reclaim a public realm grounded in shared intelligibility?
6. In a world of cascading ecological breakdown caused by human behaviour shaped by a tenacious economic model, where should we focus our attention?
7. In a world of zero-sum economic games (own property, extract value, aggregate profit, accrue interest) and privately owned and potentially harmful exponential technologies (e.g. viruses created through synthetic biology), what kinds of collective action might mitigate catastrophic and existential risk?
8. In a world of planetary-scale trolley problems, where billions may watch millions die and all available options necessitate a breach of principle, how can we help eight billion people *internalise* the conception of human dignity?

The human rights movement cannot yet *answer* the third set of questions, but if it does not reorient itself towards them it will become increasingly irrelevant. Part of that reorientation is recognising that the root causes the challenges we are called upon to address are often epistemic, psychological and spiritual *as well as* economic, cultural, ecological or political. Your strategic reorientation depends upon *experiencing* the reckoning, which means a loss of innocence and also a kind of *metanoia*, a transformation of heart and mind, that will allow you, butterfly-like, to stay true to yourselves, yet changing what you do fundamentally.

In this time between worlds, the ambition worthy of the human rights movement's history is to change your underlying logic in a way that helps transform the underlying logic of the world. You have done that at least once before, and today requires making a similar *metapolitical move*.

When we speak of politics we often take it for granted that there is a sphere within which debates about policy take place, but this is increasingly untrue. The idea of meta-politics puts 'politics' in quotations and 'human rights' become merely one political gambit of many. When asked about his specific policies, the white nationalist and alt-right leader Richard Spencer said something shocking that should give us pause. He said questions about 'policy' are less important than meta-political questions, including the rightful place of race and nationality in politics. If race and nationality are considered legitimate touchstones of relations within and between countries, which Spencer takes as a meta-political assumption, then, for him, most ostensibly political practice is obtuse. Spencer is offensively wrong about race and nationality, but he is challenging on the underlying point, which is a broader feature of the world today, and not merely about the populist 'right'. For many years some version of 'It's the economy, stupid' has prevailed in Western democracies, and more recently Extinction Rebellion operates on the premise that conventional politics cannot prevent climate collapse. Meta-political practice involves questioning the very frame of politics itself; it is a power move about what counts as political. Meta-politics is a game you have to learn how to play again, if only because that metapolitical spirit is what characterises movements as being *movements*.

The UN Declaration of Human Rights in 1948 was a quintessential metapolitical move. In a world recovering from genocide and two world wars, when colonialism was widespread but contested, when women were even further from equality than they are today – in that context the abiding priorities were to prevent the kinds of polarisation that may lead to future wars and to protect citizens from their governments. Political leaders made a metapolitical move expressed in the language of human rights that still resounds today. However, meta-political language is not a kind of conceptual snap of the fingers yielding instant transformation. With human rights it took some decades to manifest legally and institutionally, for instance in the International Covenants of 1966, and Jimmy Carter's inaugural address in 1977. Yet in 1948 global governance acquired a rudder of sorts, stirring political imagination and directing statecraft towards individual dignity, capability and moral equality *through* the relationship between the individual and the state. With plenty of exceptions, *that* legally mediated relationship between state and citizen became a premise of relationships between states.

Alas, the UNDHR is now a dead letter in large parts of the world. Enforcement by some kind of inconceivable human rights global Leviathan might change that, but in a world of resurgent nationalism we cannot expect unity of common purpose from nation states in the spirit of UNDHR 1948. Our *only* hope then, I believe, is to cultivate solidaristic sentiments through education broadly conceived, and to do as an emerging global civil society, through what Elinor Ostrom called polycentric governance. Politics today should not primarily be about invigilating the relationship between the individual and the state but populating it with the kinds of intermediate associations that might yield a wise and resolute responses to imperial technology and cascading ecological breakdown.

One of the most encouraging features of climate action in recent years is the emergence of horizontal globalised networks of common cause in business, churches, NGOs, cities, localities and regions. In effect you have a myriad non-state actors declaring themselves to be units of ratification, accountability and ambition. This puts moral and political pressure on national actors but it also means that under-performance and bad faith at nation state level matter less than they otherwise would, because dynamic action is unfolding at 'lower' levels across national boundaries. So while the political and legal order in global governance may remain Westphalian, at the globalised civil society levels there is a chance of deeper non-zero-sum collaboration, and of a new commons of good governance.

Establishing and reinforcing that kind of pattern of governance will require *some* leadership because our governance challenges are so urgent and acute. The arms race to master and own artificial intelligence, synthetic biology, robotics, virtual reality, quantum computing and then combine them in unimaginable ways is dangerous enough, and some degree of ecological collapse is inevitable, but when you put such developments together and combine them with democratic breakdown and the availability of weapons of mass destruction, we are confronting catastrophic existential risk. As Daniel Schmachtenberger puts it: 'Rivalrous (win-lose) games multiplied by exponential technology self-terminate', or in plain language: the vast majority of our current pathways lead to a version of World War III.

The hopeful aspect of this thought is that the human rights movement emerged and mobilised partly to prevent World War III, but the challenging aspect is that the human rights movement cannot rely on mere politics to advance its aims. The metapolitical move of today will have to wake us up and *keep us awake* by directing humanity's *agency* in a viable way. The move will have to bring us towards ecological sanity, wise governance of

technology, relatively transparent finance, and a polycentric representative model, with a greater emphasis on local action informed by global contexts ('glocal') and an overall purpose for global civil society that is spiritually resonant. Our challenge is that these interdependent issues are co-arising and they contain a hidden curriculum simply to *understand* the world in a new way.

I have come to believe that the metapolitical move of the human rights community may have to be fundamentally *educational* in nature, though in a much deeper, broader and fuller sense than mere schooling, and not just for the young. The educational nature of our predicament can be inferred by reflecting on four fundamental, enduring, and interconnected challenges of our time (thanks to Zak Stein for this distillation):

- Intelligibility – what's going on and how do we know?
- Capability – does humanity have what it takes to do what it needs to do?
- Legitimacy – who gets to say what we should be doing and why?
- Meaning – what ultimately matters and how do we live accordingly?

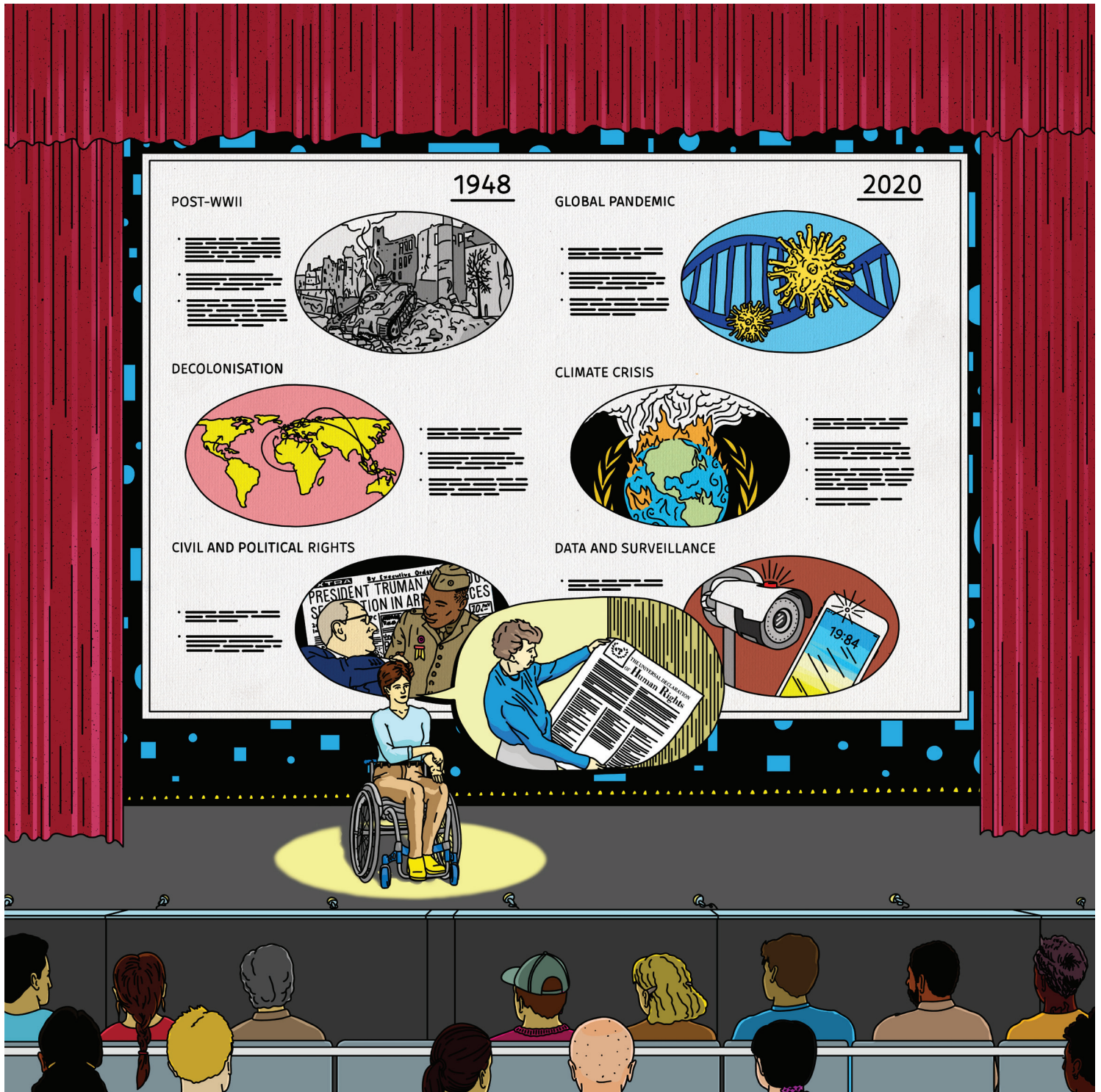
These living questions are part of the reckoning the human rights movement needs today. The challenge of intelligibility can be thought of as the subversion of a right to truth, and it speaks to the role of the movement in tackling disinformation, private actors controlling the public realm and surveillance capitalism. The capability challenge relates to the right to education and cultural participation but is more broadly about refashioning rights as capabilities a shared responsibility to develop them. The legitimacy challenge is about the emerging nature of power, broadly conceived, but it might also mean cultivating political sentiments that could confer moral legitimacy on legal axioms. The meaning challenge is to create a sense of resonant purpose that speaks to challenges of our time, and expands our circles of belonging.

How then might the movement begin to reorient itself in this direction?

The first step is to notice that human rights morality, human rights politics and human rights law are *both* completely different things *and* profoundly interconnected. If the movement is going to be relevant in the twenty-first century, it needs to take responsibility for the institutional and cultural expression of their independence and their relationship.

The challenge for your *law* and your lawyers is to accept that the battles of human rights morality and human rights politics will *endure* because philosophical foundations and ideological commitments cannot be forced upon people who do not feel them to be true, and who might legitimately believe there are other valuable ways to live. In that context, the question is what forms of law might best protect human dignity in ways that don't presume rights-based morality or applied liberalism, and yet still speak to our current challenges. That might mean, for instance, legal activism in an attempt to establish:

- the rights of future generations in the context of intergenerational harm
- the rights of nature in the context of ecocide
- the right to one's own data in the context of surveillance capitalism
- the right to privacy meaningfully reimaged for a digital age



'Metapolitical Move, 1948 - 2020' - Christopher Burrows, 2020

The challenge for human rights *politics* is to become post-liberal in a way that is not anti-liberal; to protect individual agency in ways that do not hollow out society and can command democratic consent. That will probably mean a proactive view on political economy that takes inequality seriously as a threat to the cultivation of solidarity sentiments. Given ecological constraints, that will probably mean a vision of post-growth economics with less emphasis on private consumer choice and a greater emphasis on (positive) liberty for the greater good, including the kinds of institution-building required to create mediating influences between citizen and state in the context of loneliness, alienation and myriad collective action problems. Human capability politics might also mean a *truly universal* transnational basic income to promote social solidarity and to provide time to learn and teach.

The challenge for human rights *morality* is to recognise the irresolvable tensions between rights and consequences with an integration of virtue ethics. This amounts ultimately to a challenge of painting a substantive vision of the good life with an attendant theory of capabilities grounded in virtues. The challenge for what might be refashioned as *the human capability movement* is to figure out what the relationship between these challenges means in practice. My view is that taking questions of intelligibility, capability, legitimacy and meaning seriously means a kind of transformative civic education at scale.

Perhaps the kind of society we need to move towards is one in which education is not a single policy domain, nor merely an initiation into adulthood, but rather the permeating purpose of life. In Northern Europe they call this *Bildung*, but in ancient Greece there was a related notion called *Paideia* (enculturation) about preparing citizens to be effective members of civil society or polis, which is now digital and global. In the American pragmatist tradition, there is an emphasis on sentimental education and democratic education. In India, transformative education in the Gandhian tradition is about *Swa-Raj* ('self-rule'), in China there is a Confucian tradition of virtue cultivation.

These forms of transformative civic education are not identical by any means, but the pattern that connects them, and many others, is an appreciation for the need for institutional holding patterns for the nexus where system meets soul meets society; and the opportunities for societal redesign that arise from that. All such initiatives currently lack the financial capital and political will necessary to revive them and make them policy priorities, but they may be our last best hope to save civilisation from itself – they need leadership, and your movement is well placed to provide it.

In his recent book, *Education in a Time between Worlds*, Zachary Stein puts the challenge as follows:

"Education must no longer be something that is kept behind closed doors and that requires special privileges and capital to get. In a world pushed to the brink of crisis, education, like energy, must be made abundant, free, and healthy, if our species is to survive. Everyone everywhere must have access to educational resources that are good, true, and beautiful, even if only so that solutions can be found in time for the billions of community-level problems that are reverberating across our planet as it reels in crisis."

In an ideologically exhausted world, transformative civic education is the *sine qua non* for refashioning the institutions and purposes of society. The underlying question is a commitment to generative synthesis on a global scale: how might the cultivation of our

inner lives help initiate and sustain an ecologically sane societal transformation in a world of accelerating technological change?

What does that mean for rights? We can learn from Simon Weil's *The Need for Roots*, a manifesto for how to rebuild society after the second world war. She wrote there, rightly, that "the notion of obligations comes before that of rights". For a right to mean anything there has to be a corresponding obligation. The argument usually stops there. But as Stephanie Collins and many others have argued, for an obligation to mean anything there has to be a relationship of care, in both senses of the word. The cultivation of care, a virtue beyond virtues, is fundamental. To put it bluntly, rights talk is cheap, and often cheapened, and obligations talk is undervalued, but open to distortion. Care talk is what we need, but care comes from a process of character formation in social context, which brings us back to *Bildung*.

In an essay on the history of human duties, Samuel Moyn poses a related and pertinent rhetorical question: 'If the planet burns, is the remedy a personal right to a healthy environment or a collective duty to preserve the earth for future generations?' The movement's metapolitical move has to entail facilitating a sense of such collective duty, which also has implications for individual responsibility.

The fundamental ends encoded in rights will always matter, but furthering them today requires a shift of emphasis from rights to duties. That shift requires an understanding of the capabilities required to fulfil collective duties, and a political commitment to build whatever that entails educationally (*Bildung*). That strategic shift leads to the following question:

Whose responsibility is it to develop the cognitive and emotional abilities of our species in a way that might save civilisation from itself, and how might we hold them to account?

The answer, if I'm not mistaken, is everyone, the universal *We*, which is why it gives me hope as a unifying purpose for humankind, and why I believe the human rights movement has a leading role to play.

The point is not for each individual to 'be the change' we want to see in the world, but something much more intricate: *We* (global civil society) are called upon to *learn* (develop our cognitive and affective capacities) how to *become* (grow, mature, realise, fashion) the change (care ethic, ecological sanity, social solidarity) we *need* (to save the world from itself) to be. Seen in that way, we have a *right* to that opportunity and a responsibility to take it. Which is why we need the human rights movement to become the human capability movement in a way that is more than merely 'a brand refresh'.

This kind of metapolitical shift has already begun in the work of Amartya Sen and Martha Nussbaum with their emphasis on rights as capabilities. However, there is an urgent need to ground that conceptual shift in psychological understanding and institutional praxis. For instance, Nussbaum's focus is on rights as a list of things one is able to do rather than a list of things one is given or protected from; it's about being able-to rather than being given. Yet her definition of capability focuses on overarching categories of ability-type rather than on the educational implications for how those abilities are acquired, or nuances in individual variability, or learning theory. Her list aims only to capture an intuitive sense of what being human is like within a just society, not the psychological and epistemological *ask* of those capabilities.

Nussbaum often draws extensively on research in moral psychology and emotion, but like John Rawls, she is working from metapolitical assumptions about the limited role of psychological research into human capability itself in the legal system that we now simply *have to* call into question. The psychological task-demands of citizenship in 2020 are complex in a way that cannot be ignored. For instance, the average US college graduate today would not qualify as meeting Rawls' stipulation that all members of society hold a principled view of justice, and Habermas' political theory places the capabilities of citizenship beyond the normal range of human capabilities. Not without good reason has it been said: there is not enough of the human in human rights.

We all have a narrative locus for human rights that we hold more or less consciously, so let me end by sharing mine. I think of Thomas Clarkson riding *35,000 miles* around the UK *on horseback* for the anti-slavery cause, at the end of the eighteenth century. At the time about two thirds of the world were in some form of bondage or slavery and resisting seemed foolhardy. Clarkson (and his horse) was part of a coalition of what would now be called civil society actors who resisted anyway. His job was riding from town to town to elicit and record testimonies from sailors, merchants and doctors. Their accounts revealed the vivid brutality of slavery and the *visceral* cost of institutionalised racism. That evidence would later prove pivotal in legal and political proceedings that ended the Atlantic Slave Trade, which in turn undermined slavery as a whole.

Clarkson's contribution exemplifies the spirit of the human rights struggle for me. I am projecting to some extent, but I identify with the moral longing, loneliness and apparent hopelessness in the effort. Yet there is social solidarity and clarity of purpose too, and the law acts as lodestar, animating an underlying sentiment that our better natures *must* prevail. You need patience, grit and graft to change the minds of those who prefer not to know. Only much later, after many setbacks and endless agitating; could Clarkson be seen as part of an emancipating victory on a global scale, saving lives, and liberating generations.

That was around 1790. Today it is 2020. Look deeply into our current context. What would you be thinking on the equivalent of that 35,000 mile horse ride today, guided, as Clarkson was, by the spirit of the time? Who would you be seeking as you go from town to town, and what are you asking of them? Who are you at this historical juncture, and where are you going?

Yours aye,



Jonathan Rowson

PS Thank you to the Open Society Foundations for the fellowship experience as a whole, especially Stephen Hubbell, Milap Patel, Zachary Seltzer, Heather Grabbe and Alethia Jones.

My 2017 group was the first ‘cohort model’ for the OSF Fellowship, in which we were encouraged to explore the human rights predicament together as far as possible; that aspect of the experience was somewhat irresolute, but I notice it has stayed with me. I think of Nadia Marzouki every time someone uses clichés about Islam or ‘good and bad religion’. I wonder how William Isaac is doing whenever ‘algorithmic bias’ is mentioned. Lou DeBaca’s diplomacy comes to mind whenever the question of modern-day slavery arises. Likewise, Anna Macdonald when thinking of the human dimensions of *realpolitik* in international diplomacy. Bilge Yabanci’s stories from Turkey return when ‘civil society’ is in question, Manu Lusch whenever the role of art in activism arises and Obinna Anyadike whenever ‘the mind of the terrorist’ is in question. Papa Faye’s question: ‘what does this mean for Africa?’ comes to mind whenever a conversation becomes too European or Anglophilic. For any given political message, I wonder how Anat Shenker would frame it, Jose Miguel Calatayud’s emphasis on rights-related activity that is silent on ‘rights’ helped frame the case above, and Zoltàn Bùzàs is remembered mostly for his smile-inducing punchline: ‘Lawful but awful’. I am glad to have met you all, and grateful for the memories.

For research and feedback relating to the letter, thanks to Brent Cooper, Anthea Lawson, Minna Salami, Ian Christie, Caspar Henderson, Mark Vernon, Ivo Juriaan Mensch, Siva Thambisetty, with special thanks to Zachary Stein.

PPS Three main categories of sources informed the thoughts above.

First, for making sense of human rights as a whole, I found Samuel Moyn an invaluable guide, including *Human Rights and the Uses of History* (Verso 2017), *Not Enough: Human Rights in an Unequal World* (Harvard University Press 2018) and a lesser-known work that helps to decouple rights from liberalism: *Christian Human Rights* (University of Pennsylvania Press 2015). *The Meanings of Rights: The Philosophy and Social Theory of Human Rights* edited by Costas Douzinas and Conor Gearty for Cambridge University Press (2014) was a particularly illuminating set of essays. *The Right to Have Rights* by DeGooyer et al (Verso 2018) brought home the relationship between rights and citizenship. *Keepers of The Flame: Understanding Amnesty International* by Stephen Hopgood, Cornell University Press (2006) helped illuminate the organisational dynamics of the human rights struggle. *Rethinking Open Society*, edited by Michael Ignatieff and Stefan Roch, Central European University Press (2018) was good in places, but for a ‘rethinking’ I was struck by the almost complete absence of references to ecology, technology or finance. *Evidence for Hope* by Kathryn Sikkink (Princeton University Press 2017) is excellent as a counterpoint to the notion that the human rights movement has failed. *Bury the Chains* by Adam Hochschild (Macmillan 2005) is a brilliantly written depiction of the evolution of the anti-slavery campaign, and helped me to ‘get’ human rights at an emotional level.

Some helpful academic papers included: Chetan Bhatt (2017): ‘Human Rights Activism and Salafi-jihadi Violence’, *The International Journal of Human Rights*. Wendy Brown (2004) “‘The Most We Can Hope For...’: Human Rights and the Politics of Fatalism”, *The South Atlantic Quarterly*, Volume 103, Number 2/3, Spring/Summer 2004. L. Rajamani (2019), ‘Integrating Human Rights in the Paris Climate Architecture: Contest, Context, and Consequence’, *Climate Law*. Richard Rorty’s ‘Human Rights, Rationality, and Sentimentality’, in *Truth and Progress: Philosophical Papers* (Cambridge University Press 1998, pp. 167–185) is a must-read for anyone in the human rights movement, because it robustly challenges the primacy of reason in making moral claims. Beth Simmons on ‘The Future of the Human Rights Movement’ in *Ethics & International Affairs*, June

2014, was useful in getting approximations for the size and influence of the movement. *The Case Against Human Rights* by Eric Posner, Guardian Long Read, Dec 4, 2014, was an important reference; as was *It was not supposed to end this way* by Geoff Mann in Boston Review, August 13 2019. I learned a great deal from Conor Gearty's Corin Redgrave Memorial Lecture in 2018: *Is The Era Of Universal Human Rights Coming To An End?*. The *Declarations* Podcast from Cambridge University was also appreciated.

For general political theory and jurisprudence relating to the argument as a whole, I grounded the case mostly by reflecting on the following sources: J. Milbank and A. Pabst *The Politics of Virtue* (Rowman & Littlefield International, 2016). P. Deenen *Why Liberalism Failed* (Yale University Press, 2018), J. Rawls *Political Liberalism* (Columbia University Press, 2005). A. Sen 'Human rights and Asian Values', *The New Republic*, July 1997. M. Nussbaum 'Capabilities as Fundamental Entitlements: Sen and Social Justice', *Feminist Economics* (2011) and *Creating Capabilities: The Human Development Approach* (Harvard University Press 2003). J. Habermas, *The Future of Human Nature* (Polity Press 2003). C. Schmitt, *The Concept of the Political* (University of Chicago Press 1938). E. Ostrom, *Understanding Institutional Diversity* (Princeton University Press 2005). S. Collins, *The Core of Care Ethics* (Palgrave-Macmillan 2015).

Books helpful in clarifying the epistemic, emotional and spiritual crisis within the social, economic and political crisis ('the meta-crisis') that also begin to point to ways out include *The Master and his Emissary* by Iain McGilchrist (Yale University Press), *In Over our Heads* by Robert Kegan (Harvard University Press), *Plato's Revenge* by William Ophuls, *Stand out of our Light* by James Williams (Cambridge University Press 2018), *Doughnut Economics* by Kate Raworth (Random House 2017), *The World we Create*, Tomas Bjorkman (Perspectiva Press 2019), *Small Arcs of Larger Circles* by Nora Bateson (Triarchy Press 2016), *The Uninhabitable Earth* by David Wallace Wells (Allen Lane 2019), *Nervous States* by Will Davies (Jonathan Cape 2018) and *Prosperity without Growth 2e*, by Tim Jackson (Routledge 2016).

For normative sketches of what responding to the world's meta-crisis primarily through a developmental or educational framing might entail, I can recommend: *The Nordic Secret* by Lene Rachel Andersen and Tomas Bjorkman (Fri Tanke 2017), *The Listening Society* by Hanzi Freinacht (Metamoderna 2017), *Education in a Time between Worlds* by Zachary Stein (Bright Alliance 2019), *Democracy and Moral Development* by David L. Norton (University of California Press 1991), *Metamodernity* by Lene Rachel Andersen (Nordic Bildung 2019). I can also recommend Schmachtenberger, D. (2018) *Solving the Generator Functions of Existential Risk* published on civilizationemergeing.com and Stein, Z. (2018). 'Love in a Time Between Worlds: On the Metamodern "Return" to a Metaphysics of Eros' in *Integral Review*. I offer further reflections on Bildung in my book, *Spiritualise: Cultivating Spiritual Sensibility to address 21st Century Challenges* RSA/Perspectiva 2017, and make the case more fully in an essay for The Centre for the Understanding of Sustainable Prosperity at the University of Surrey: *Bildung in the 21st Century: Why Sustainable Prosperity depends upon reimagining education* (2019) both of which are available online. I offer further reflections on Bildung in my book, *Spiritualise: Cultivating Spiritual Sensibility to address 21st Century Challenges* RSA/Perspectiva 2017, and make the case more fully in an essay for The Centre for the Understanding of Sustainable Prosperity at the University of Surrey: *Bildung in the 21st Century: Why Sustainable Prosperity depends upon reimagining education* (2019) both of which are available online.

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