
A Response to Peter Uvin

Making Moral Low Ground: Rights as the Struggle for Justice and the Abolition of Development

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It is always a pleasure to reply to the exciting, broad-brush strokes of a scholar like Peter Uvin. He paints an expressive and important picture of the adoption of human rights speak by powerful sectors of the international development establishment—or “enterprise,” as he usefully describes it. Not surprisingly, I find myself agreeing with much of what he says and admiring the way in which he says it. There is indeed “much to worry about” when the powers-that-be adopt the liberationist language of the oppressed and drape their projects in revolutionary garb. Peter Uvin is right to be concerned that much of the new rights agenda in international development circles is really about “fluff and power.” In this reply, I would like to amplify some of his main themes. But, above all, I would like to take them further and think about what happens when people other than the development establishment use human rights to talk about poverty.

But first, there are a couple of things that might be usefully added to Uvin’s piece. It is slightly inaccurate to say that the development enterprise has lived “in perfect isolation, if not ignorance, of the human rights community.” This is partly but not entirely true. Assuming that “the development enterprise” includes NGOs, churches, and community-based organizations (CBOs), then this statement is not correct. For those of us whose work is primarily concerned with Africa, it is easy to forget the experience of Latin America, South Asia, and even South Africa.

In these societies and their polities, the idea of human rights has played a central part in the struggle for development, social justice, and peace. In conflicts and political repression in Latin America, Freireans and liberation theologians conceived of development as a popular movement for social justice. While their analysis was essentially Marxist in many of its aspects, most of them were not averse to the political philosophy of human rights and framed their struggle for land, livelihood, democracy, and peace in rights terms. In this process they radicalized many European and North American NGOs. The highly conflictual experience of the Roman Catholic Church in Latin American politics played an equally major part in the Church’s determination to reach a conclusion about the ideology of human rights and to endorse them as an important and acceptable aspect of Catholic

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teaching. Similar processes took place in South Asia around land and gender rights and in South Africa around the struggle against apartheid.

In reality, therefore, there are perhaps two development traditions—a Latin American-style one and a more paternalistic and scientific one. In NGOs that I know best, people have tended to stay in one tradition and seldom move between the two. One exciting possibility is that the introduction of human rights into development might mean that we see a more Latin American flavor to development struggles in future.

Another topic that may have been overlooked in Uvin's piece is the way in which human rights ideology is (perhaps increasingly) contested. This can take three main forms. Particular rights, around gender or childhood for example, can be contested at the periphery of a majority of rights that are generally accepted. In this way, states or groups can argue moral relativism on particular rights. More fundamentally, however, and in a way which Uvin himself comes close to doing, states, societies, or groups can reject the whole way the human rights regime functions as simply a bossy and superior aspect of Western hegemony serving Western interests. In other words, while societies may share many of the values expressed in human rights ideology, they will reject the human rights regime. Finally, of course, others will take cover under both these objections to use them as a means of ignoring international law and opinion while they deliberately violate human rights.

The fact that human rights ideology is contested is important when it comes to rights-based development because inevitably such contest will lead to conflicts that might not arise if a less legal and political discourse were pursued to focus on public goods. So, for example, one could envisage a government refusing to work with UNICEF on a child health program because it cannot tolerate the particular politics of child rights and state obligation that accompanies the program. Such a government could just as likely be a right wing U.S. donor government as well as an aid recipient government. Development pragmatists might argue that using the idea of rights in such situations is a sure way to ensure that nothing gets done for poor people. Thus, rhetoric or not, rights-talk can simply be a bad tactic in certain situations.

But enough about what Peter Uvin may have overlooked in his wide-ranging sketch. Let us now focus on his main point, that the adoption of rights-based development is really all about "fluff and power" and the taking of moral high ground without changing one's practice in any meaningful way. For this is a serious charge and one which is pretty well on target as things stand. In many NGOs advocating a rights-based approach, there is as much confusion as excitement. While most development people have got their hearts around a rights-based approach, they have not yet got their heads around it. Many feel that rights are important, but they may also have a hunch that Peter Uvin is onto

something and that reading Sen and talking rights makes for little more than an “improved discourse” which may not be of much use to people enduring poverty around the world.

So, what about rights as fluff? Much of the breathless adrenalin rush of the new rights talk does indeed seem to offer a new way of feeling good. I began to embrace the political philosophy of human rights three years ago and have always noticed how passionate I can become when talking about rights and what a warm glow it leaves me with after lecturing on the subject. Peter Uvin is right. Simply talking about human rights quite literally makes me feel virtuous. At last, rights-talk seems to give the dry, quasi-scientific theory of development a moral and political vision. It can really make one quite excited. Such is the sad life of a British academic! This aspect of rights-talk is a bit like prayer. One mouths eschatological ideas about human dignity and the coming of heaven on earth. One prays and feels good but has very little idea of its power and effect. It does indeed allow one to walk the “moral high ground” and makes one feel self-righteous.

But human rights don't only do this. They can act socially as well as piously. And rights-talk can function differently from different mouths. Human rights can sound and act very differently when they are spoken from what Gustavo Gutierrez calls “the underside of history”—the muddy side where people pay the price for those walking along the top. The same language of rights that may be rhetorical fluff in one place may be words of extreme courage and radical change in another. The power of speech is the power to name and define things. Rights-talk in Washington or Paris might be used piously as new words for the same old liturgy in the cathedrals of international trade and development. This might indeed be “repackaging” of old wine in new bottles as Peter Uvin suggests. It represents the power of re-dressing rather than power of redress. But from another place (a slum or the scene of a rigged election) and spoken from another voice (that of a poor man or a woman land rights lawyer) the same words of rights-talk could function prophetically as a demand for redress to change and challenge power.

So, I think the shift of development talk from previous discourses of philanthropy, charity, modernization, and progress to one of human rights can be made to be extremely significant. Most importantly, rights-talk has the ability to finally politicize development between the muddy low ground and the moral high ground. Human rights give a language of political contract to matters of poverty, injustice, and armed violence. Rights-talk stops people being perceived as ‘needy,’ as ‘victims,’ and as ‘beneficiaries.’ Instead, it enables these same people to know and present themselves as rightful and dignified people who can make just demands of power and spell out the duties of power in terms of moral and political goods. In grammatical terms, it moves them from being the objects in somebody else's sentence to being the subject of their own free speech. This requires courage, knowledge, and organization but it has often happened and it will happen again. Human rights can fire people up. It is a political philosophy that can have deep meaning to

people—meaning deep enough for them to risk their lives and die for. This is what happened in Boston in the 18th century. It has happened many times since and is happening somewhere every day.

But does this mean that I have only moved from an idea of rights as fluff to one of rights as prophetic fluff? I hope not! But to be sure it is necessary to look at Peter Uvin's second point about rights-based development talk as simply serving Western power. Power certainly does tend to use ideas to serve its own interests and there is a serious risk that this is happening with rights ideology. As Uvin suggests, neo-liberal economic and political projects of "good governance" are simply being re-packaged in rights terms. There is little evidence that the structural violence and injustice of global power systems are being truly challenged by the philosophy of equal rights now mouthed by power itself. The traffic of change-talk still really flows in one direction only. Human rights in the mouths of OECD governments send a predominant message to the effect that "human rights demand that you—poor countries—must change." As Uvin observes, rights-talk has engendered very little revolutionary analysis of the structures of poverty or serious consideration of the demands these same human rights make for powerful countries to change their ways.

Yet I would like to suggest that the situation is not quite as simple or as bad as Uvin presents it. There may well be a way in which the fact that Western power continues to talk a discourse of rights may increasingly make it accountable to those rights. In welcoming human rights into the citadel of development, I have a hunch that rights ideology may function as something of a Trojan horse for those who really mean what they say about human rights. Peter Uvin's analysis focuses on governments, multilateral agencies, and transnational corporations as the adopters of the new rights talk. But, as noted above, there are others using human rights in a different and prophetic way down in the muddy lowlands. And, there is also a group of international NGOs who straddle the middle hill country between the moral highlands and the muddy lowlands who are also using human rights talk in a slightly different way to mainstream power. While these NGOs can be more pious than most on occasion, they can also challenge western power extremely effectively from time to time. Between them, the lowlanders and the NGOs might make up an important group who, like the Greeks before them, may be able to leap out of the Trojan Horse and take the real struggle for rights to the heart of politics and policy-making in governments, corporations, and public opinion. Once inside, they may also find that the citadel contains many others who are sympathetic. For, dare I say it, government departments, political parties, and transnational corporations contain people who benefit from living on the powerful upper side of history but who would also like to change the world in pursuit of human rights. Uvin is right to claim that—in the main—the move to rights has not resulted in a thorough analysis of the construction of poverty and a system-wide strategy for its transformation. But some organizations among the powerful

are making some connections. For example, the British Government's Department for International Development (DFID) has important policies that see the links between global trade and poverty, arms exports and violence, and energy consumption and ecological crisis.

The challenge for people using human rights prophetically rather than piously is to organize and create a counter-veiling force to the complacency and oppression of those on the moral high ground. (This is the part of the paper where Uvin's feel-good law kicks in as using rights-talk starts to make me feel virtuous again!) In practice, this means producing the analysis that Uvin notes is lacking and making the connections between global power structures and poverty. It means having the courage to build local, national, and global movements that argue for specific duties to be met by governments, corporations, and individuals that will enable all people to enjoy their rights. Above all, it involves abolishing the development enterprise as a neo-colonial program of correction administered from rich to poor and replacing it with a common political project that recognizes everyone's equal rights and judges the behavior of all on the basis of how they realize or violate these rights. This would involve all involved looking in the mirror as well as looking down from the moral high ground.

Then, finally perhaps, we could also do away with the very word 'development.' The common struggle for human rights and social justice would at last bring the end of the era of development. We could begin to talk a proper moral and political language of equality, fairness, social justice, right, and responsibility. This would be an equal discourse that has no notion of some people being whole (developed) and other people being inadequate (under-developed). Rather, everyone would be sharing responsibility and working towards common goals. This would be heaven. But we are encouraged to start making it here on earth or, at the very least, to continue to ensure that the basic moral goods involved in such a vision are struggled for each day. In doing so, rich and poor alike would have to meet on the muddy low ground where they all really live, and make it moral.