

National Human Rights Consultation Submission

AGWW-7RBDEM

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Submission Text:

Thanks for the opportunity to make a comment.

I support the notion of structural change to support the disadvantaged, marginalized and the many hidden victims of our systems. My comment only has to do with whether there is a better concept than “human rights” by which to progress this agenda.

The weakness I see with the concept of “human rights” has to do with the reactions of anger engendered when people feel they are “denied their rights.” The logic around is that if someone’s “rights” are being denied, someone must be doing the denying – in other words a “wrong” is being done by someone. For instance a husband may feel justified in badgering his wife with her duty to give him his “conjugal rights” for sex and in forcing himself on her. A fundamentalist Christian quotes “children obey your parents” and considers his children’s disobedience an affront to his responsibility to keep order and to his status as “head of the family.” He readily may assume that this breach of “parental rights” (to have his children obey him as God says would be good) gives him a corresponding right to enforce his headship. An Israeli government may focus politically on their own right to exist and use it to justify violent confrontation.

Experience shows that we can discuss rights at the UN with nothing changing. In conflict situations, the rich and powerful too easily justify their goals and methods by focusing on the simplistic and legally-accepted concept of their “rights.” Furthermore “human rights” are complex theoretical constructs and therefore are always susceptible to becoming overly-theoretical and further removed from the harsh reality and raw emotion of human tragedies. Human rights are susceptible to endless debate because they are based on consensus morality. But why should anyone listen to my beliefs about “human rights” – or yours? Why should Cuba listen to the USA’s view on what is right, or Australia to China or Iran’s views? To overcome this weakness, much effort is put into strengthening international law and co-operation... but resorting to legalism in conflict situations is in my opinion usually counterproductive by diminishing the parties’ natural compassion for the other.

In my view, we need to focus on an alternative concept that doesn’t lend itself to legalism but to compassion, in the tradition of restorative rather than retributive justice.

What I’d like to suggest is for the concept of “human rights” to be replaced, or at least supplemented by concern for “human indignity.” For example, a husband feels the indignity of his wife refusing sex; a father feels the indignity of his children paying little heed to him, a government feels the indignity of not being able to guarantee the public’s safety as much as they want. Straight away we can sympathise with these parties living with these indignities, and yet without any suggestion that they should, or that it would be justifiable for them to, use force to redress the situations. If we focus on their indignity, then we want to support them to strengthen their remaining dignity and, in a dignified, moral manner to engage in safe and mutual exploration of complex issues.