

SOCIAL CHANGE AND HUMAN RIGHTS

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Abstract: This chapter argues that those countries that protect human rights have undergone long-term social change. Very complex interactions among citizen activism; political and legal arrangements; institutional development; and economic arrangements produce these rights-protective societies. Both political democracy and a market economy are necessary aspects of a rights-protective society. States that protect human rights also manifest advanced institutional development, in the form of accountable and transparent governments and bureaucracies and disciplined, uncorrupt militaries and police under the control of and obedient to civilian rule. None of this occurs without citizen activism from below; moreover, there is no necessary progress to human rights, and regression in their protection can occur

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Social Change and Human Rights

A relatively small percentage of the world's population has won the "birthright lottery" (Shachar 2009); they are the people who have the good fortune to have been born in countries where most people enjoy most of their human rights most of the time. They live in (most of) Europe; Canada and the United States; Australia and New Zealand; and some Latin American and Caribbean, Asian, and African countries. That some countries are able to protect most human rights most of the time is a result of long-term social change. Very complex interactions among citizen activism; political and legal arrangements; institutional development; and economic arrangements produced these rights-protective societies. In the human rights literature, more attention is paid to external, extra-national causes of attainment of rights than internal, national causes. There is an extensive literature on international human rights laws and norms and how they influence states' internal policies; there is also an extensive discussion of the philosophical ideals that underlie international human rights norms. But there is little attention to the complex, long-term changes within societies that result in respect for human rights.

It appears that both political democracy and a market economy are necessary aspects of a rights-protective society. There is no known case of a non-democratic or non-market state that protects the entire range of human rights. States that protect human rights also manifest advanced institutional development, in the form of accountable and transparent

governments and bureaucracies and disciplined, uncorrupt militaries and police under the control of and obedient to civilian rule.

However, political democracy, institutional development, and market economies are not sufficient to protect human rights. Political democracy must be supplemented by the rule of law and by a culture and practice of human rights. Markets must be regulated by the state to ensure that the right to own property is not abused, that citizens enjoy a minimal level of material security, and that inequalities are not so wide as to be detrimental to social and political participation. None of this will occur without citizen activism from below.

This chapter first examines how citizen action interacted with the establishment of political democracy, strong social institutions, and a regulated market economy in the advanced Western democracies to create rights-protective societies. It then addresses how and whether such social changes will be replicated in the “underdeveloped” world, and discusses whether these four factors are evolving in the globalized world of the twenty-first century. Finally, the chapter attempts to counter the unintentional assumption that progress in human rights is inevitable, by pointing to human rights regression in the democratic, market-based Western world. The chapter does not attempt a complete theory of the relationship between social change and human rights: rather, it points only to the four key conditions for human rights mentioned above.

Citizen Activism and the Evolution of Human Rights

In advanced Western democracies, human rights were originally attained from below; citizens had to wrest their rights from the state. Underlying the long-term changes that produced these relatively rights-protective societies were conflicts, in the first instance, among social classes, in which those who attained their human rights often had to resort to strikes, rebellion or revolution before their concerns were taken seriously by the groups already in power. Sometimes governments' need for loyal troops in warfare forced them to grant some male citizens some human rights. To understand the role of class conflict in creating rights-protective societies requires attention to the role of power: who controls the state and why, and how those who control the state can be removed from power.

Abstract ideas can influence social change, but those ideas often reflect prior or simultaneous changes in political, social and economic arrangements. In particular, they often reflect the interests of new social classes or previously subordinated social categories. In the early modern period in Europe, two new social classes began to wrest their rights from the state. These two classes were the bourgeoisie, or business class, and the working class. A set of new, liberal ideals regarding human rights emerged during the Enlightenment, a period when Europeans began to question both Church and monarchy and think about what "man" (as human beings were then defined) needed. Much Enlightenment thought reflected the desires of the rising bourgeoisie. This new class of men wanted formal legal equality to the monarchs, nobles, priests and landlords who had previously ruled them, and they wanted that equality to be extended to all (Christian, male, propertied) citizens. They wanted security of property, the right to speak freely and publish their thoughts, and the right to elect their rulers. They also wanted the right to personal

autonomy and privacy, to live their lives as they saw fit without excessive regulation. In effect, they wanted the rights endorsed by philosophical liberalism: civil and political freedoms, participation in democratic government, and personal autonomy, as well as the right to hold private property (Ishay, 2004: 64-9).

By the nineteenth century, the new industrial economy that the bourgeoisie had created had also given rise to a new working class. These workers, at first exceptionally badly treated by their employers (Marx, 1967 [1887]; Engels, 1969 [1892]) began to evolve their own ideas of what eventually became human rights. Workers drew on the earlier liberal tradition and demanded political equality, especially the vote, as without it they had no say in the various legislatures of the Western world. They also fought for the right to form trade unions, through which they could negotiate with their employers over pay and working conditions (Ishay, 2004: 117-72). Eventually, various philosophies emerged about ways to overthrow or modify the unregulated and exploitative capitalist system and create a more just world. One such way was through communism, a system under which the state owned all the means of production and directed all economic activity, but without democracy or rule of law. Another way was through social democracy, a system that viewed the social provision of economic security as an inherent part of respect for the individual, but respected political democracy and property rights and did not require that all productive enterprises be in the hands of the state (Howard-Hassmann, 2010: 137). As liberalism was the forerunner of the principles of civil and political rights introduced in the 1948 Universal Declaration of Human Rights (UDHR), these two latter philosophical

stances were the forerunners of the principle of economic human rights also included in the UDHR.

The rights that these two social classes won were not gained merely through persuasion or argument with their rulers. Nor were they won by reference to international human rights law, which did not exist at the time, or by citing the examples of states that protected human rights elsewhere, since none existed. They were won through struggle, sometimes with violence or the threat of violence attached, as in the two great revolutions of the late eighteenth century in the United States and France that instituted legal equality, political participation, and other civil and political rights in those two countries.

Yet whatever the liberal ideals of equality, autonomy, and political freedoms and participation were, those who accepted these ideals for themselves did not apply them to workers until the cost of not doing so were high. Workers threatened to strike if their employers refused to negotiate with them; mass movements of workers raised the specter of rebellion and revolution. Mass movements of demobilized soldiers were also a threat, especially after many Western countries introduced universal male conscription during World War I (Levi, 1996). After the Communist victory in Russia in 1917, the post-war rebellions of demobilized soldiers in Germany, and the threat of rebellion in other countries, governments introduced some social security measures – the seeds of economic human rights – to ensure that the industrial democracies would remain stable.

Originally excluded from the liberal ideals and political practice of the Enlightenment, educated middle-class women began to demand human rights in the late eighteenth and nineteenth centuries. Starting in the late eighteenth century with calls for women's rights by Mary Wollstonecraft in England (Wollstonecraft, 1995 [1792]) and Olympe de Gouges in France (De Gouges, 1995 [1791]), women began to demand the right to control their own property and have custody of their own children (Tilly, 1997: 4). In the mid-nineteenth century, these middle-class women joined with some women from the industrial working classes to demand the latter's right to control their own wages. By the late nineteenth century, they began to demand the right to vote and to participate in the political process. Lacking force of arms, the ability to threaten revolution, and the ability to ignore military conscription, women's rights advocates had to rely on appeals to the already accepted liberal principles of equality, political representation, and the rule of law in making the case that they deserved the same rights as men, although in Britain, a militant suffragist movement also destroyed property, committed arson and set bombs. Women also "earned" some rights by proving their patriotism in times of warfare; for example, the suffragist movement in Britain suspended its activities during World War I, encouraging women to support the war effort instead (Tremain, 1973: 110-49). They were rewarded when the British government finally capitulated and granted the vote to women over 30 in 1918.

Like the movement for women's rights, the movement for the rights of African-Americans (as they later came to be called) in the US also drew heavily on pre-existent liberal beliefs in equality, political democracy, and the rule of law. These principles eventually

contributed to the passing of the Civil Rights Act in the US in 1964, but not without violent resistance in the American South by whites reluctant to give up their privileges. The civil rights movement did not threaten force, instead drawing on the tradition of non-violent resistance earlier introduced to the anti-colonial movement in India by Mahatma Gandhi. However, riots in black American ghettos in the late 1960s did threaten the stability of American society and underlined the need for more reforms, such as affirmative action in the admission of African-Americans to universities (later undermined on the grounds that they discriminated against whites (Dworkin, 1985: 293-303).

This quick survey of how some major social movements achieved rights for various subordinated groups in the Western world is not meant to suggest that only in the West did citizens mobilize in defense of their rights. In late nineteenth century Russia, concern for the rights of peasants and workers resulted in the formation of social democratic and communist political parties; the latter took power in 1917. In parts of the Arab world, indigenous feminist movements pressured for equal rights with men (Golley, 2004: 529-33). In the mid-twentieth century, all over the colonized world indigenous nationalist elites drew heavily on the emerging international principles of human rights, demanding, over the objections of colonial powers, that the UDHR protect the human rights of subjects in colonies as well as citizens in the colonizing powers (Burke, 2010: 35-58). Shamed by evidence that they were promoting double standards, but also threatened by militant and costly independence wars in such countries as Malaysia, Indonesia, Algeria and Kenya, most of the European powers acceded to colonies' independence by the early 1960s. The question then became how these formerly colonized, and materially poor, countries would

organize their own societies to protect human rights. This remained the central concern of “development” studies in the twenty-first century, especially of those who equated development with the realization of the entire gamut of human rights, civil, political, economic, social and cultural.

Prerequisites for Human Rights: Democracy and Social Institutions

A necessary characteristic of rights-protective societies is a democratic political system, in which political parties compete for office, free and fair elections are held, and parties relinquish the reins of government if they are defeated. Formal electoral politics, however, are only a small part of what is required to create a rights-protective society. Secure rule of law must underpin the democratic system. In a country under the rule of law, the government is subject to the judiciary, which is independent and free of government control. The evolution of the rule of law in early modern Europe was a significant achievement that removed the emerging bourgeois class’ fear of capricious decisions by its rulers. Once law was established, the rules were clear and predictable. Such law, however, did not necessarily protect members of the lower classes, who could be severely punished, indeed often executed, for very minor crimes, especially crimes against the property of the wealthy. In the twenty-first century, law still remained to a significant extent the purview of the wealthy, who could pay for legal services that were out of reach of the poor, and who simply knew more about their rights than did the poor (Osiatynski, 2009: 97-102).

Neither democracy nor the rule of law is enough, in and of itself, to protect citizens' rights. A pre-existent culture of human rights is a condition of both an effective democracy and the rule of law: citizens must be aware of their rights and ready to protest decisions that violate them. Where citizens already have a strong sense of the rights they ought to have – as in some countries in Eastern Europe before the fall of Communism in 1989 (Goldfarb, 1998: 103-24) – they are more likely to support political democracy. By contrast, where citizens do not yet possess this sense of human rights, as in some African countries that struggled to adopt democracy in the mid-to-late twentieth century, it is much more difficult to introduce democratic political procedures and the rule of law because there are no strong social movements that demand them and protest when they are denied. This may seem circular – no human rights without democracy, no democracy without human rights – and indeed it is. There is no linear path to rights-protective societies; rather, the various changes in society reinforce and strengthen each other.

Nevertheless, there is no rights-protective country that is not also a democracy; as Donnelly (1999) notes, “international human rights norms...require democratic government” (619). Non-democratic countries that claim to protect their own version of human rights – such as claims made during the last third of the twentieth century about “socialist” or “Asian” conceptions of human rights-- usually protected only a narrow range of human rights or worse, installed obligations or duties (to the state or the ruling elite) as a higher priority than individual rights. The claim by Singapore's former first minister, for example, that it needed social discipline and strict political autocracy in order to achieve development (Zakaria, 1994) actually protected a set of rules that denied human rights to Singapore's

citizens (Englehart, 2000). Similarly, “socialist” conceptions of human rights were sets of duties to communist governments, which claimed to protect citizens when in fact they protected ruling parties and the elites associated with them.

Aside from democracy and the rule of law, there are several other types of social institutions that any society that protects human rights must have. There is no human right, as such, to these institutions. Nevertheless, without them, it is difficult to protect human rights. Societies that cannot create and preserve these social institutions fail to protect their citizens’ human rights.

Foremost among these institutions is simply a functioning government. A functioning government has a monopoly of the means of force in the territory it controls (Giddens, 1995: 18). Governments without such a monopoly of the means of force are failed states; they are at risk of being broken up by local or breakaway militias, which they have no means of controlling (Rotberg, 2002). In a functioning state, there is only one military, which is subordinate to the civilian government. A functioning government also requires a police force upon which it can rely to enforce its laws. Both police and the military are social institutions that must be restrained by human rights principles and practices. They must be trained not to torture, not to starve their prisoners, and not to arrest citizens for actions that are not crimes. They must also obey the law and accept the rulings of the courts. This requires funds to equip the police properly and pay them well, so that they do not solicit bribes; it also requires a high educational standard and the ability to train police properly.

Rights-protective governments also need bureaucracies that can honestly and efficiently administer their territory, not demanding bribes from citizens before providing services and not stealing tax monies from the public purse (Tholen, 2004). Bureaucracies must be transparent and accountable: the public must know how much money the bureaucracy has spent and on what (transparency) and there must be sanctions when the bureaucracy fails to spend money reasonably (accountability). But in order for such bureaucracies to exist, the government must be able to collect taxes and citizens must be willing to pay them. In order to staff the bureaucracy with competent civil servants, the society as a whole must possess a solid base of educational attainment and a system of recruitment that relies on merit.

Human rights include not only the originally liberal civil and political rights that evolved in early capitalist Europe, but also the economic human rights that reflect communist and social-democratic conceptions of what citizens need. Thus, in a truly rights-protective society, both governments and bureaucracies must be receptive to the principle of economic justice. Much of what functioning governments do in democracies does, in fact, promote economic human rights. For example, governments maintain the sewage systems and clean running water that underpin their citizens' health and long life expectancy. Governments provide schools, (some) universities, and (some) health facilities, partially fulfilling citizens' rights to education and health care. Whether or not they recognize economic human rights in principle, most democratic Western governments consider provision of social benefits to be fundamental obligations.

The principle that governments ought to provide such goods to their citizens is a reflection of the influence of socialist conceptions of human rights, and of the influence of trade unions and other workers' movements. Entitlement schemes such as unemployment insurance, old age pensions, and national health insurance, as well as "welfare" payments to the poor, reflect an evolving conception of the human right to material security. But governments also introduce such measures for pragmatic reasons. Without public health measures such as clean water and adequate sewage, the rich and powerful as well as the poor and powerless run the risk of dying from communicable diseases. Without some protections from unemployment or abject poverty in old age, workers may rebel and men may be unwilling to fight for their country in times of war.

There is no human right to competitive multi-party democracy; to a functioning, accountable and uncorrupt government or bureaucracy; or to a well-trained military or police force subordinate to civilian government. Yet all these institutions are necessary to protect human rights. The evolution of these social institutions over four centuries in the West is one of the key reasons why most Western citizens now enjoy their human rights. "Development" in the non-Western world also requires creation of these institutions.

Prerequisites for Human Rights: Market Economies

Much discussion of how poor countries can "develop" to become as rights-protective as Western democracies ignores social conflict, class divisions, and the necessity to develop democracy and rights-protective social institutions. Nor does the human rights literature on development pay much attention to the many means that internal elites in underdeveloped

countries have at their disposal to deny citizens their human rights. Instead, the human rights literature focuses on international obligations and international redistributive mechanisms, as opposed to the internal economic and political changes that were crucial to the development of Western rights-protective societies.

This approach assumes that underdevelopment is caused and sustained by external influences on poor or underdeveloped countries. It originates in critical work from the 1960s, when anti-imperialist scholars from regions then known as the “Third World” (Asia, Africa, Latin America and the Caribbean) pointed out how their regions had been underdeveloped by the slave trade, imperialism, and colonialism (Frank, 1967; Rodney, 1972). The converse belief was that the West would not have become wealthy without these exploitative practices, a belief that is not universal among scholars (Landes, 1998: 113-24).

In such a situation of world inequality, political freedom did not seem to be the way to eradicate poverty. If the West had underdeveloped the Third World, then, argued many critics, the West’s supposed stress on civil and political rights was a mere façade. These critics argued that civil and political rights were not necessary for economic development, the principal human rights concern of poor countries. The Western model of development, in which civil and political rights were attained first, with internal welfare and redistributive measures left until the twentieth century, was not the path that developing countries should follow. The elites controlling many newly independent states found Soviet-style command

economies, with no protections at all for civil and political rights, to be an attractive alternate option.

Indeed, there are some indications that the Western model was not the only one that could result in eventual protection of all human rights. A market economy under a political dictatorship could provide material incentives and mechanisms for economic growth, and some relatively equitable distribution of resources, as in South Korea from 1950 to the mid-1980s, when the regime gave way to democracy. South Korea pursued an export-oriented “growth-first” economic model, moving from cheaper, labour-intensive to more expensive, capital-intensive products (Hwang, 2010: 230-33). It also invested heavily in education and redistributed formerly Japanese-owned land to its peasants, so that they were not impoverished as the economy grew (Toussaint, 2006).

China pursued a policy similar to South Korea’s as of 1978, when it began to liberalize its command economy in favour of a market economy (Porter, 2011). Significantly, China began by allowing some, but not all, of the bourgeois rights sought in Europe in the eighteenth and nineteenth centuries. In the social realm, it permitted growing personal autonomy, letting its citizens live as they wanted within the means they had. It also permitted pursuit of private business opportunities, although its private property regime was still incomplete in the early twenty-first century.

As a former Communist state (still Communist in name), China had been an egalitarian society in principle if not always in practice since 1949. China also possessed some of the

social institutions necessary for human rights. It had a functioning (indeed, authoritarian) government, a military subject for the most part to government, and a functioning police service. The Chinese tradition of efficient bureaucracy based on meritocratic recruitment of officials was thousands of years old (Creel, 1964). However, in the early twenty-first century it still had not instituted rule of law, in the sense of a law that could protect citizens against the state and to which the government was subordinate. Nor did citizens enjoy either representative democracy or freedoms of speech, press, assembly and association. While South Korea did change from dictatorship to democracy in the 1980s, there was no guarantee that China would do likewise; it could remain authoritarian, implode as regional grievances built up, or even become poorer as more and more of its entrepreneurial and educated elites migrated to the West in search of secure property rights and political freedoms.

These disparate models show that there is no one predictable path to development. Nevertheless, it seems that economic human rights do depend on the existence of a (regulated) market economy. “Third World” countries that successfully developed either had or instituted market economies, whether or not they also respected civil and political rights. Only market economies produce the range and amount of goods and services necessary to fulfill individuals’ economic human rights.

Development requires economic growth (Bhagwati, 2004: 52-54). Not only does such growth provide resources to realize economic human rights, it also provides the tax basis for governments to provide essential public goods such as sewage systems and clean running water. In order to promote growth, private property must be assured; entrepreneurs are reluctant to invest when they cannot be assured that they will own property and be able to pass it on to their heirs. Private property can also be used as collateral to obtain mortgages and credit (De Soto, 2000). Property is crucial to a rights-protective society: it permits (some) citizens to make their own way in life, through entrepreneurial activity or through saving to support themselves in cases of unemployment, disability, or old age (Howard-Hassmann, 2012).

Yet in the approach to development common in the human rights literature there is remarkably little attention to the human right to own property. Nor does this literature acknowledge economic growth's role in fulfilling human rights. The focus on rich countries' obligations to poor countries obscures knowledge of how economies actually grow and economic human rights are protected. The 1986 United Nations Declaration on the Right to Development does not mention any of the real prerequisites to development, instead including rhetorical statements about international responsibilities. The Declaration does not consider the need to institute private property, the rule of law, and other mechanisms that would encourage the internal development of an entrepreneurial class, which could in turn challenge the power of internal elites who are every bit as abusive as the monarchs of early modern Europe. Instead, it includes the statement that "peoples" have the right "freely to determine their political status" without taking note that

communist and command economics frequently de-developed their societies in the twentieth century (United Nations General Assembly 1986, Preamble, par. 6).

Yet economic growth and private property, while necessary for development, are not sufficient to guarantee protection of economic human rights. While market economies may produce the amount and range of goods and services necessary to fulfill human rights, they are often dominated by a capitalist class that acts in its own interest and has disproportionate influence over the state. Market economies require government regulation to ensure that the rich do not get richer while the poor are left behind. The neo-liberal late twentieth century model of a completely free economy ignored the reality that all economies require government investment and regulation. Redistribution of wealth via taxation and various social welfare schemes is necessary to protect and fulfill economic human rights.

Moreover, although economic growth is a necessary condition for development, high levels of wealth do not appear to be required. Some middle-income countries such as Costa Rica, Chile, and Mauritius were able in the late twentieth century to fulfill their citizens' economic human rights via redistributive policies. Even one low-income state in India, Kerala, had a good record in this regard. Kerala had periodic communist and socialist governments that, like China, invested heavily in health and education, unlike other Indian states (Sandbrook et al., 2007).

Nevertheless, in the twenty-first century inequality between “the West and the rest” persisted. Nor did the approximately \$2.3 trillion given by the West as foreign aid to poorer countries from 1955 to 2005 significantly assist their development (Easterly, 2006: 4). By about 1990, however, many citizens of less-developed countries had realized that to blame the West for their past exploitation and present poverty would not solve their human rights problems. They began to realize that foreign aid would not be productive in environments characterized by corrupt leaders, in which much aid money was stolen and much of the rest was frittered away or lost in projects that became unsustainable because of lack of technology, spare parts, and skilled expertise. Social movements and human rights-oriented non-governmental organizations arose in underdeveloped countries to pressure for precisely that accountability, transparency, rule of law, and political democracy that anti-imperialist observers had previously ignored as irrelevant to their needs for economic human rights, even though they were crucial in the development of the West.

Despite these changes “on the ground,” many human rights analysts continued to stress redistribution of the world’s wealth from rich to poor countries (Pogge, 2002) over the accumulated evidence that without internal democracy, the rule of law, accountability and transparency, development was unlikely to occur. This disregard of the importance of internal social change paved the way for critiques of late twentieth-century globalization that spread the market economy across the globe. Globalization was seen as yet another manifestation of Western imperialism, not as expansion of an economic system that could bring some benefits to poorer countries, depending on how it spread, who controlled it, and whether citizens would be allowed the civil and political rights to protest its abuses.

Global Social Change

During the late twentieth and early twenty-first centuries, both production and trade became increasingly global. Many human rights commentators criticized this global expansion of free-market capitalism, maintaining that its effects on the human rights of citizens in the less-developed world were largely detrimental (Arat 2011; Evans, 2011: 7-30). In fact, however, after 1980, a period roughly coincident with late twentieth-century economic globalization, world poverty rates began to decline (Chen and Ravallion, 2008). Some of this decrease was a direct result of decisions by major powers to renounce communism (China, Russia) and economic protectionism (India). Some may have also been a result of pressure by the World Bank on smaller economies to restructure, reducing government spending, devaluing currencies, and opening up to world export-import markets, although the short-term social costs of such restructuring were high (Abouharb and Cingranelli, 2007). Despite the decline in poverty, unrestrained financial flows damaged many economies, although freer trade, in and of itself, appeared to have strengthened them (Howard-Hassmann, 2010: 40-6). The term “free trade” remained a misnomer, however, as many wealthy Western countries avoided free trade by imposing tariffs on goods produced by poorer countries and subsidizing the production of goods that could otherwise be supplied more cheaply to Western consumers by developing countries.

As a counterpoint to economic globalization, social globalization also spread. Increased ease of travel and communications resulted in more and more people viewing themselves as part of a global, rather than merely a national, community. New transnational ideals

emerged, supplementing the liberal ideals of civil and political rights and socialist ideals of economic justice that had characterized earlier periods of evolution of human rights. Many citizens and activists realized that there were some problems that were global in scope, rather than merely local or national. Among these global concerns were those covered by collective human rights that can only be enjoyed by the world as a whole, but that are nevertheless essential to enjoyment of traditional state-centric human rights. These concerns included climate change and threats to the environment. They also included the right to peace, especially the right not to be destroyed by nuclear war. The anti-nuclear movement, which arose in the 1950s and was at its peak in the 1960s and 1970s, was in abeyance by the twenty-first century. By contrast, the environmental and climate change movements grew from the 1970s on. Activists in these movements were joined by indigenous groups, new actors on the world stage who were deeply concerned by environmental and climate degradation.

Unfortunately, however, no global democracy or institutions of global accountability existed to empower activists attempting to rectify these global problems. While the United Nations had been in existence since 1945, it was an organization of states, not of people: there was no global mechanism of citizenship that paralleled the national mechanisms that had evolved since the European Enlightenment. In so far as the UN bureaucracy was accountable and transparent, it was so to states, not citizens: the same applied to institutions of global economic governance, especially the International Monetary Fund, the World Bank, and the World Trade Organization.

The social movements for peace and environmental rights had few resources; they were limited to the ideological leverage they had over states and the UN. They could call attention to human rights laws that were not being obeyed and treaties not being enforced, and demand new international conferences and treaties to address these global problems. They could also call attention to pragmatic reasons why the nuclear threat, climate change and environmental degradation ought to be immediately addressed. As voters, however, members of these social movements were still confined to their own countries; there was no mechanism by which all citizens of all states could vote on policies that affected all their human rights futures. Nor did they have the ability to threaten strikes, rebellion or revolution if governments did not pay attention to these global collective demands. While activities such as consumer boycotts could persuade some individual corporations to remedy the environmental deprecations they caused, such activities did not affect the entire system of profit-making that underlay such deprecations.

In most countries, private business corporations were far more influential over governments than transnational social activists. Moreover, even if they were not disproportionately influenced by the capitalist class, governments were aware that corporate profits helped – through taxes – to finance social investments within nation-states, as well as private pension and disability funds that ensured many workers' material security. While a growing social movement in Western states promoted socially responsible investment (Brysk, 2005: 72-9) that eschewed environmentally degrading activities, realization of economic human rights in those states still remained tied to successful capitalist economies. International human rights lawyers and activists advocated imposition of human rights

obligations on transnational corporations (Gibney, 2008: 39-46; Kinley, 2009: 145-203), but in the early twenty-first century those obligations were voluntary, although supported in principle by the United Nations (Ruggie, 2007). Thus, an incompletely and improperly regulated international market economy combined with a system of national, but not international, democracy, to threaten the very existence of the planet.

Meantime, the birthright lottery remained a significant human rights problem. There was not yet any social movement to change the structure of international society to overcome the problem that most human rights were tied to citizenship in a particular state. In effect, everyone lived under a system of international apartheid, in which each state could determine who could be included within its jurisdiction and who could be excluded. However global the problems of climate change and environmental degradation were, birthright determined who suffered least and who most. Those who “owned” citizenship rights in wealthy democratic states enjoyed most of their human rights most of the time; they suffered less from climate change and enjoyed more environmental protection than those in poor, undemocratic states. States jealously guarded their sovereign right to determine who was a citizen, and under what conditions non-citizens could live in their territory. It was still states, moreover, that were principally responsible for protecting, violating, or undermining their citizens’ human rights.

Human Rights Regression

While history seemed to suggest an inevitable progression to greater protection of human rights, it appeared in the early twenty-first century that they might well regress, even in wealthy

Western countries where they had seemed most deeply entrenched. There was no guarantee that having once achieved a relatively rights-protective society, a country could not regress.

During the nineteenth and twentieth centuries the human rights situation of most US citizens gradually improved, in part because of the US' enormous and ever-increasing wealth, in part because social movements fought for rights for such groups as African-Americans and women. Until Al-Qaeda attacked the US on 11 September 2001, the US respected most civil and political rights, although it had an earlier history of political repression, especially of individuals, political parties and social movements deemed to be socialist or communist (Goldstein, 1987). After the attacks, however, civil and political rights deteriorated. Torture of prisoners suspected of being part of Al-Qaeda was permitted under the Presidency of George W. Bush, and suspects were detained in the Guantanamo Bay prison without benefit of charge or counsel (Forsythe, 2011). Even the Obama administration went so far in 2011 as to order the killing of an American citizen living in Yemen, without charge or trial (Cole, 2011). Nor were these the only signs of American regression in civil and political rights. Political democracy was being turned into a farce, in which media sound-bites and candidate imaging were more influential in elections than the reasoned debates that were once thought to be the hallmarks of democracy (Soros, 2011). The mass media, owned by members of the capitalist class, had enormous influence over how candidates were perceived and what information they could convey to the public; meanwhile, private corporations were permitted through various mechanisms to contribute funds to pay much of candidates' expenses (Neuborne, 2005).

The US also rejected the principles of economic human rights (Weissbrodt, 2006), and spent far less on social welfare as a proportion of its budget than many other advanced democratic states (Howard-Hassmann, 2011: 31). Workers' rights were also unprotected, as compared to the requirements of international law (Atleson, 2006). Economic inequality had been rising since the late 1970s and continued to do so in the twenty-first century (Howard-Hassmann, 2011: 30); many were rendered unemployed and/or impoverished as a result of the uninhibited profit-seeking of the minimally regulated financial sector. And tragically, the gains of the civil rights movement were undercut by the mass incarceration of young African-American men, often for crimes such as drug use for which whites were not sentenced to jail: one estimate was that 32 per cent of black males born in 2001 would spend time in prison (Lewis, 2012: 48).

That the US was "exceptional" among Western democracies in its disregard for economic human rights might have been in part a result of its racial structure; when the black or Hispanic poor seem "other" to the whites who control power and wealth, then there is little feeling of social obligation to them. However, by the early twenty-first century the US was not the only Western country in danger of human rights regression. The financial crisis sweeping Europe revealed the real costs of sustaining those high social welfare benefits that seemed to fulfill the requirements of economic human rights. Social democratic states could not simply continue to borrow money to finance their generous social welfare policies or to cope with unexpected problems such as the increased longevity of people who had retired from the work force and were living on pensions. At the same time, lower birth rates meant there were fewer young people whose taxes could be used to support older people; even so, a high proportion of these young people could not find jobs.

High government spending on social welfare proved unsustainable in what was still a capitalist world economy subject to incomplete financial regulation and to the employment and production adjustments that integrated globalization entailed. New international social movements for economic change such as the World Social Forum, a loose international organization of NGOs and individuals dedicated to opposing the global expansion of capitalism, showed that some social activists were becoming aware of its human rights costs, including, but not limited to, international inequalities (Smith, 2006). While there was no formal human right to economic equality, the huge wealth and income disparities, especially in the US, suggested that widening inequality should be curbed, especially as higher inequality correlated significantly with social problems such as alcoholism and crime (Wilkinson and Pickett, 2009). Yet once again, those who opposed these excesses of wealth and inequality lacked the institutional and political resources they needed to combat these global social problems; no global democracy, very weak global accountability and rule of law, and the inability to threaten ruling elites with strikes, rebellion, or revolution.

Conclusion

Just as the path to protection of the entire range of human rights is fragile and non-predictable, so also is protection of human rights over the long term. Constant citizen action from below, by social movements, civil society actors, and oppressed or disadvantaged social groups is necessary to force states and the elites that control them to respect, protect and fulfill human rights. There must be constant balancing of the advantages and disadvantages of market economies, and constant vigilance to ensure that the necessary social institutions of government, the judiciary,

the bureaucracy, the military and the police act fairly with regard to citizens' human rights. In market economies, the only economies that, so far, characterize rights-protective states, the interests of the capitalist class will constantly threaten the interests of workers, consumers, indigenous peoples, and the environment. Such interests also threaten the very survival of the planet.

Meantime, citizens of countries that do not yet respect, protect, and fulfill human rights have to consider whether democracy and market economies are necessary conditions of human rights and if so, how to institutionalize them. Presumably, they will not need to follow the same path of internal social change as their predecessors in the West. The external environment has changed: citizens pressuring for human rights can refer to the international law of human rights, to human rights treaties that their governments might have signed, and to examples of governments that have fallen because they tried to suppress citizens' rights. Nor should the process of social change toward rights-protective societies take the centuries it did in the West: China, for example, cannot excuse its human rights abuses on the grounds that Europe took centuries to evolve a rights-protective democracy, developing accountable and transparent institutions and a market economy. Where there is knowledge about how to protect citizens' human rights, governments cannot claim that ignorance or inadvertence is the reason they repress them. It is likely, though, that citizens will still have to organize social movements, threaten to withdraw their labour power from economic production, and in some cases risk their lives – as in several Middle Eastern countries during the “Arab spring” of 2011 – to obtain their human rights.

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