

Should we rethink Human Rights?

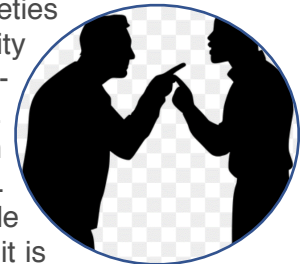


The aim of the Universal Declaration of Human Rights (UDHR) is to treat all people with **fairness, respect, equality, and dignity**. Few people would openly deny these values. But I want to challenge how well it achieves this aim due to there being some unintended consequences. Let me illustrate with one of the fundamental rights – ‘**Freedom of Speech**’. The image on the left of this article represents the antithesis of free speech – and is abhorrent to many. But do we believe that people should be allowed to say exactly what they think?

Explore your own support for free speech. Ask yourself what you really mean by it. I presume your definition means that people should be allowed to express what they believe in – their inner thoughts, their conscience, their religious beliefs, their various opinions etc. But this freedom cannot be defined so easily, since we know that some opinions cause conflict – some people’s beliefs are other people’s offensiveness.

Consider this solution to the dilemma: everyone should wear ear plugs in public spaces. This would allow people to say what they want without the problem of offending others. But would that satisfy the definition of free speech? Almost certainly not. Why? Because freedom of speech carries with it the expectation that what is said will be heard. Fundamentally, communication is a two-way process and so the very concept of ‘freedom of speech’ involves others – it requires an audience, whether as listeners or as readers. This illustrates how freedom of speech cannot be framed purely as an individual right – it is a relational concept. This same reasoning can be applied to most of the Human Rights that are covered by the United Nations Declaration on Human Rights, which – whilst well-intentioned – is individually focussed.

To explain the declaration’s individualistic focus, it is useful to understand the background. It was World War 2 that provided the impetus for creating an international code to control the excesses of human cruelty. This resulted in the 1948 Universal Declaration of Human Rights, which has achieved a great deal in many areas such as human trafficking, state-sanctioned torture, and the persecution of minorities. However, the declaration falls short of being universal since it is not adopted enthusiastically in all countries – especially in the Global South. The values that underpin the declaration are more at home and more embedded in the West. And yet we are seeing Western societies becoming increasingly divided. This polarisation is evident in the quality of our public debates as demonstrated by Brexit, Democrat-Republican, Choice-Life, transgender issues (to name just a few). This is worrying since the very concept of democracy is predicated on the concept of dialogue (a two-way form of communication). Increasingly we are seeing it becoming a monologue, with neither side listening to the other. And whilst this polarisation has always existed, it is becoming more extreme.



No doubt technology plays a part since a person shouting on Hyde Park Corner does not have the same reach and impact as someone shouting on social media. Technology has facilitated the ability to communicate with less time and thought and with much greater reach and impact. Social media reduce the normal checks and balances in human dialogue, such as the time for reflection (many an angry word is said in the heat of the moment), or reading the feedback signals from others in facial expressions or body language when we are in more socially connected spaces. This phenomenon is also evident in other socially distanced contexts, such as the anger expressed by drivers who feel separate or isolated inside their cars. Closer contact helps to steer conversations, making them more likely to become an exchange of ideas. Listening has always been an under-used skill, but modern technology may be making it even harder. We are seeing increasingly binary thinking, dramatic over-simplification, and increasing polarisation and social divisiveness. This

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inevitably undermines the quality of debate and dialogue. Some of the underlying reasons for this are suggested in the video **From DNA to the Big Bang** – there is a link at the end of this paper.

I am suggesting that the concept of Human Rights, as currently conceived, is feeding into this process – which is why we need to understand it better. Of course, the underlying motivation for the UDHR stemmed from the abuse of individuals by a state apparatus: the horrific abuse demonstrated by the Nazis in WW2 provided the impetus for the Charter. This helps to explain why the Charter is predominantly focused on the rights of the individual – it comes from a ‘State versus the Individual’ paradigm. Furthermore, the formulation of the Declaration was strongly influenced by Western powers where there was and is a strong philosophical tradition emphasising individualism (cf. Hobbes, Rousseau, Kant, Hegel, Nietzsche). This is also embedded in Western psychology (cf. Freud, Jung, Maslow, Rogers). The result is a strongly individualistic focus and value system which has helped to control State power, but which is incomplete because it is one-sided – and one-sidedness creates its own issues.

I will put aside the complex issue concerning which rights are fundamental and will focus on another key issue in the UDHR, which is how to resolve disputes. In other words, what happens when two rights conflict? Currently, we use the courtroom as the final arbiter – but this legal system is adversarial, which encourages people to take a side. Taking sides necessarily leads to winners and losers, which is a recipe for discontent. Taking sides also encourages the labelling of people, which in turn projects a person’s whole identity based on little information – such as knowing that someone supported Trump, or voted Leave, or declare themselves as pro Choice etc. The identity associated with these positions, whether chosen by the individual concerned or thrust upon them by others, becomes an easy, simplistic and non-nuanced way to define a person as well as their worldview.

A way out of this dilemma is to recognise the reality that our identities are not purely individual. Of course our sense of identity feels very personal, but its formation and maintenance emerges from multiple relationships – how we are seen by others; how others react to us; by our positions and roles in the community and in society. At a psychological level we need to acknowledge that we become who we are through our interactions and experiences, our relationships, our roles and responsibilities. In the words of John Donne, ‘no man [or woman] is an island’. Humans are social beings formed by the world they enter and the relationships around them. A right needs a context and carries responsibilities to others. This is the essence of what is embedded in the concept of Relational Rights, which switches the focus from specific individuals (where a judgement is required on which ‘Right’ trumps another) to how the relationships between interested parties are impacted.

The aim of Relational Rights is to correct the bias in the UDHR. It does this by shifting the focus from an individualistic view of identity to the more realistic view of identity being socially constructed and hence a relational concept. It takes a psychological perspective of human development which recognises that people go through a high dependency stage in early life and requires the development of independence as we become young adults. Many individuals and some societies see the development of independence as the goal, and this is particularly true in the Western world where it is seen as a virtue. However, in this individualistic world we are seeing an explosion of mental health issues, increasing issues of loneliness, long working hours, high levels of reported stress, relationship breakdowns etc. (as suggested by survey data from the University of Oxford – see link at the end of this paper on ‘How important are social relations for our health and well-being?’).

The fundamental shift is a focus away from helping an individual’s health and well-being and towards helping improve the impacted relationships. Freedom of speech moves away from the Elon Musk concept of individuals being allowed to say what they like whenever they like.

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Instead, the focus becomes finding a way for people to express different thoughts and opinions in a way that respects the context and encourages listening and understanding. It becomes not only the right to express but the duty to listen – and the goal is to promote healthy and proximate relationships. In practical terms this means that we move from the courtroom to a forum where all the impacted parties are invited. These may be local relationships such as within a family or social group, or it may require looking more widely at relationships between groups, organisations, societies, and countries. The process becomes more like mediation but with a goal of maintaining and improving the relationships. There are many techniques for making such forums more effective – but an important step will be to get the concept of Relational Rights accepted. This would be a huge step forward – especially if it resonates with many of the countries that are not currently committed to the UDHR. Moving the concept of Human Rights to Relational Rights is both psychologically more accurate and focuses on a higher goal than an individual's self-affirmation – improving relationships in societies across our troubled world.

You can read more about these ideas using the links below:

1. [A discussion paper on Relational Rights](#): Emily Ho, Relational Rights, published by Relational Research in 2021. It can be downloaded free ([click here](#)) or the hardcopy can be ordered ([click here](#)).
2. [The Relational Lens – understanding, managing and measuring relationships](#):
from Cambridge University Press, 2017. It can also be ordered through Amazon.

Further resources/references:

3. [How important are social relations for our health and well-being?](#)
Esteban Ortiz-Ospina July 17, 2019
4. [From DNA to the Big Bang](#) (43 minutes) – a video of a talk suggesting reasons for binary thinking in today's debates (first 10 minutes of this talk address binary thinking):

Dr. Roy Childs January 2023