

*A Brilliant Way of Living Our Lives*  
Cognitive Elicitation Interviews on Human Rights<sup>1</sup>  
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From February to April 2018, I conducted 53 cognitive elicitation interviews to determine the underlying assumptions, dominant frames and preferred arguments of human rights advocates in the US, UK and Australia. Respondents were advocates in senior positions at international human rights organizations, experts in political framing about human rights, or Open Society Fellows studying some aspect of human rights. The key selection criterion among participants was belief in and effort on behalf of human rights – or some more particular issue within this broader domain. Respondents were promised anonymity and, as such, any potentially identifying details have been redacted. Otherwise, remarks appear as stated with filler words (e.g. umm, uh, like) removed.

As we saw in the previous analysis of written discourse, *From It to Us*, there isn't a consistent pattern of discourse that is country-specific. In other words, there's not an "Australia" version of human rights narratives that is consistently different from the US or UK one. The one place where such a difference did come through is noted in the analysis. Nevertheless, spelling variations in direct quotations adhere to the practice in the respondent's home country, for example, "centre" from a British respondent vs. "center" from an American one.

What follows is a summary of major themes emerging from these anonymous conversations.<sup>2</sup> Obviously, it's challenging to encapsulate nearly 30 hours of transcribed speech from a range of individuals as diverse as our movements for human rights. The emphasis here, given the purpose of this process, is on novel frameworks for a powerful shared progressive narrative.

Because participants were responding to deliberately broad and foundational questions, their speech reveals underlying reasoning about HUMAN RIGHTS and related issues. This is critically different from rehearsed talking points or intentional policy arguments. In short, interview responses are closer to what people intuitively *feel*, where writing is very much what people consciously *think*.

### **Perceptions of human rights**

We began our conversations with interviewees by asking very basic definitional questions: What are human rights, what falls outside this category and what purpose does having a shared notion of human rights serve. These ideas we largely take for granted as universally (or at least among progressive allies) understood actually manifest through a host of different frames.

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<sup>1</sup> The author wishes to thank Joseph Reid for his stellar management and execution of the interview process.

<sup>2</sup> See Appendix A for interview protocol.

We find, overall, two dominant categories of frames emerging from the respondents as a whole. While not every expression of the two meta-frames fit neatly into their respective boxes, they conform remarkably well. The first category implies – or at least fails to expressly rebut – that human rights accrue to individuals. As noted in the previous analysis, this is commonplace in current discourse.

In contrast, the second meta-frame posits human rights in a social scene. The salient considerations in this latter category emerge out of relationships among actors as opposed to more static rights that exist or are placed out of reach as the more individualized first category would have it.

### Human rights as existence and self-actualization

The first set of frames leave social interaction in the periphery or out of view. While not necessarily individualistic, in failing to situate human rights expressly in a relational context, they likely privilege the innate tendency in much of Western society to understand life through the lens of atomistic (hu)man.

The dominance of this approach in written advocacy and its appearance here may seem surprising given that human rights necessarily exist within social groupings. However, in the US especially and the UK and Australia as well, we've perfected the art of debating political issues and social policy through a rhetorical framework that suggests people's outcomes in life are dependent on their own actions. This explains, for example, the well-known preference for human rights that limit government actions as opposed to those that require collective obligations.

Indeed, one respondent unintentionally bolstered the evidence that support for human rights need not interfere with adherence to individualism: "And the other thing that makes me really optimistic, uni students have a lot of conversations about rights, and one thing that is striking is how much younger generations have completely – I think 'cause it's kind of, it's individually based and they have a very individualist worldview, but they've completely bought into the concept of rights and freedoms in a way that there's a big disconnect from older generations. So, I think there's a lot of downsides to that individualist culture and philosophy, but I don't think recognition of rights going by the wayside is one of them."

The seeming compatibility of individualism – a preference for seeing each person as a self-made product of their own efforts and choices – with human rights ought to give us pause.

Even where these frames mention society, nation-states or other collective groupings, the emphasis within them is on the behavior, desires, or needs of individuals. The frames within this first category cover the range from basic survival to higher order human needs.

### *External constructs*

In *From It to Us*, we saw human rights referenced as legal obligations and entitlements enshrined in key documents. This approach, while not absent altogether, was relatively rare in our interviews. And, it almost always came alongside a somewhat apologetic explanation that the speaker offering it is a lawyer and thus views the issue through this lens.

Indeed, not only were more traditional definitions of human rights absent, many commented on their futility as persuasive tools. For example, these respondents lay out the difference between a narrative that they feel falls short and one that cuts through:

If you go on **banging about international conventions** and this, that or the other, **no one gives a shit, people's eyes glaze over**. But **if you can talk to people** about their elderly parents going to an aged care home and being split up and not being able to share the same bed because that's the policy, even though they've been together for 50 years and they want to share a bed and a room, and **you can point to a human right of family and privacy**.

**I'd be talking more about what it means to have a good society**, a decent society, an inclusive society. Those certainly in my contexts here in Australia, those kind of racist, white nationalist views are a minority fringe view, and I think we need to keep it that way. To be honest, **I think an appeal to UN human rights standards explicitly in this space would come across as elitism rather than actually appealing to people's sense of a decent society**, and what a good society looks like. Now I think **underlying that would still be a respect for those human rights**, it just **would not be an explicit articulation of them**.

Where we did get answers about international standards, they were more thoroughly focused on the fact of having shared conventions rather than the particulars of these conventions:

I guess they are like **a perceived kind of baseline...**a perception of what it is that's needed to be an active citizen that has access or ability to engage in the society, as well as having their needs met and protected from certain things.

[A] **common agenda** in which we can agree that this is what people fundamentally deserve.

I think that it needs to be manageable, measured and not overstated, and it comes back to the argument about basic dignity and also the celebration of **unprecedented consensus by humanity** in the universal recognition of these rights.

But to me they are the basic rights...we have all agreed to share; you know, **our social contract**.

Human rights is **a legal articulation** of a **commonly held vision** of a good life. As I see it myself, they **are also a convention**. They **don't exist in themselves**. They exist because **we decide they do** and **we engrave them in writing as a set**

**of rules**, and we decide that they will apply to everyone and that we should punish those who don't respect these rights.

Well, when **we have an agreement** about what are human rights, it allows us to transcend the cultural differences and the individual cultural differences about what it means to be a human being, and what human beings are entitled to. So, it reflects **a consensus of diverse people coming from diverse perspectives around what they collectively believe** humans are entitled to and should be protected from.

I would say that **people in the world have got together with their leaders** and decided some basics by which we will all live, and we're going to all make sure that everybody is looked after in this way, and those are these.

The beauty of **having the Universal Declaration on Human Rights and the body of international law historically**, looking back, it's the Second World War era, it's that it **gives us a belief system, a shared value set**, a shared [inaudible] that we can **hold institutions, particularly national governments, to account** around a set of values that are essentially universally accepted.

The biggest thing that I don't think people appreciate is – **this is heavily discussed, negotiated territory**. This wasn't decided on a whim.

What's noteworthy about these formulations is the importance they place upon *human rights as externally constructed*. In essence, the claim running through this first frame for human rights is that they are valid because they are the result of a group process – a *consensus* about ways to structure our societies.

The shift here is from, for example, making reference to the particular rights outlined in the Universal Declaration toward describing that a process existed and decisions were made to create shared agreements. This frame serves as a reminder that leaders came together and hashed out what humans need and deserve.

### *Inherent rights*

There's a curious disconnect between this focus on human rights as crafted agreements and the notion of human rights existing *prima facie*. This second, more common, articulation among respondents posits human rights as entities that accrue to all simply by virtue of inhabiting a human body – no deals, treaties or committees seemingly required:

I would see that human rights being everything that addresses the **inherent rights and dignity of the human person**.

Well, it takes you back to the basic points that human rights mean every person should be **respected as an individual** by the very **fact that they are a human being**.

So human rights are the basic, shared, defensible ways that we should be allowed to behave just **by being human**.

Well, I think human rights have very, very broad compass and include and touch on so many different things in our lives and society, and I think **the distinguishing element is the human part.**

Human rights have very much communicated the **intrinsic worth of every single human being**, and that **people feel the value in themselves** and they feel enabled by human rights to assert that value.

I guess I would say **that by virtue of being a human being** that lives in the world, you have a right to live in it, and **excel in whatever way you want to as a human.**

Not surprisingly, at times this frame includes reference to basic human needs:

I'm talking about moral types of entitlements. So, you could say that everyone has an entitlement to **air or food or something, which is a need.**

I think human rights are the **essential requirements for human existence.** There are certain things that every person must have in order to live their lives, and when they don't have those things we need to get together and make sure that we work towards making sure that they have them.

Within the notion of rights as essential is an implied rejection of the externally constructed nature of human rights the first frame positions as central. In fact, several respondents made this explicit, defining human rights in contrast to norms that had been deliberately hashed out and agreed upon:

I wish people understood that **human rights transcend governments**, and that there is an essential quality to being a human being which is **more important than any government**, which **cannot be changed by any law**, and which is **an entitlement by birth.**

They inure to you, as a result of you being a human being, **rather than those granted** by parliaments or congress or politicians.

Human rights are those rights which all people everywhere are entitled to by virtue of being a human being. **They don't come from laws. They don't come from governments.** They come from the very fact of someone's humanness.

But in principle, human rights are **the inalienable rights that we attribute to every person in every place** regardless of their membership of any group, minority group, nationality, status, gender, sexuality, level of income, education, etc. The concept is **inalienable rights that are associated with being human and that are not conferred by any government or authority** and can equally not be taken away by any government or authority.

One respondent, unprompted, walked us through the shift of a critical foundation underlying human rights: the movement away from all benefits belonging to a sovereign toward an acceptance of entitlement residing within each individual, regardless of their station:

If you go back into Anglo tradition, it's **a violation of the king's peace**, right? The king doesn't like the fact that you're killing your neighbor because the king wants to have a place where neighbors don't get killed, in a post-Hobbesian kind of world. What's interesting **when you start thinking about rights as opposed to simply that you are violating something that the king or the sovereign doesn't want done**, that those rights then outlive that particular sovereign, that particular king, and that violation is no longer because you violated the sanctity of the border or the sanctity of the peace of the kingdom. Instead, **suddenly you are liable for something because the state has to guarantee those human rights that apply to you**. So, in many ways what it's done is recast me then at that point not as an inhabitant of a kingdom subject to the will and caprice of the king or whatever stands in for the king, instead **I am a bubble of rights that goes through the world protected by that little bubble**. That little bubble is telling me that I have a right to be free from genocide, I have a right to be free from slavery, I have right to freedom of association or religion or what have you. And if somebody violates my exercise of those rights, then the state has to step in to protect me in having done that. And that's just a very radically different concept than the old way of thinking of that you are violating societal norms by doing something that the dominant force in society doesn't like done. In fact, this protects people who might be doing things that the majority don't like. And yet the state still has to defend your right to do it.

This explanation is as close as we come to reconciling the rhetorical contradiction between human rights as decided-upon and human rights as inherent. But it still doesn't complete the job. To be fair, this isn't the aim of the above remarks. In essence, this interviewee says that people decided to make human rights belong to each individual – "a bubble of rights" that the leaders who crafted well-known accords have constructed for each of us. However, this approach is clearly singular. The previous respondents cited – and the far more common articulation of human rights as inherent – either imply or directly reject the notion of rights as constructed.

Whether we are better positioned describing human rights as person-made or innate is an empirical question beyond the scope of this analysis. However, what is well known is that applying conflicting frames for the same concept diminishes the potency of either one. In contradicting ourselves, we diminish narrative coherency and, with it, credibility for our approaches and objectives.

#### *A plan for life*

There is a possible bridging frame between what seem likely to be construed as opposing frames. To stand firmly between externally constructed and innately held, we find a novel articulation of human rights as guides to life.

This frame brings in the idea of rules that the more traditional notion of human rights as intentional agreements provides. At the same time, it also brings to the fore the human-ness at the center of the need for and pay off of human rights:

**It's a set of principles that people have** that they believe, that each of us holds quite dear.

They're an aspiration, a framework, **a plan for managing how we can best look after everybody** as a society.

It gives us a shared framework which transcends nationality, politics, religion, race, any other identity that you can think of, and gives us **a clear international framework** which would ideally **enable us to work together to achieve a good life for all**.

In terms of fundamental human rights, it's **allowed people to live** in a way that's given them the greatest opportunity to **progress through life** in the same way that anybody else would.

I personally think of human rights as good thing because when you do have those dilemmas, different people with different strongly held moral beliefs, the way that you decide between them to avoid causing suffering for people is that **you have this basic set of rules written down** that are global, that are universal, that no matter what decision you make there are certain things that you can and cannot do that you have to respect. It comes back to that red line. It's almost like **guiding lines and principles that you mustn't cross**.

**Boundaries of human behavior. A code** of some sort, **articulated principles of basic human conduct**. It's a helpful guidepost for people. Having it out there is also important for transparency. It should be open to inquiry, to challenge, it should be able to withstand scrutiny. And it does. Because it's based on principles that purport to be universal and if they aren't, that's going to become apparent pretty rapidly.

Most pointedly, one respondent held up this approach to understanding human rights against a more traditional one: "And we use the language of human rights as a battering ram against people, as opposed to seeing it as such **a brilliant way of living our lives**."

This *rules of the road* or *principles for living* idea seems worth exploring more fully. It offers both the assumed legitimacy of the *agreed upon conventions* model first discussed while still being firmly situated in human experience. It also promotes a broader array of rights, beyond what's needed for survival. As this respondent tells it, human rights also encompass the need for agency in one's own life: "I have worth and I need respect. And I have dignity, and **my opinion in my life matters**."

### *Universality*

Whether we're talking about political frameworks, human needs, or guidelines for living, all of the above constructs share an implied belief in the universality of the human condition. Many respondents framed their understanding of human rights through the lens of "all created equal:"

Human rights also allows us to dismantle whiteness as a constructed concept and reinforce that human beings are human beings first, and that racial identities like being white are invented and are secondary to **the essential humanity of all people who are human beings**.

I think the reason for the success of human rights in the post-WWII era, part of the reason is that somehow the language of human rights and the conceptual framework that it occupies has somehow connected into some **universal human values, universal human moral instincts**.

Whereas if we look at what human rights is really about – what is the thread through our existence and what everyone is fundamentally faced with and where **there's a common experience**.

A key component out of human rights discourse is the idea of **the fundamental equality of all human beings**.

It allows us to have conversations about who gets what and who decides what and who has power over what with a **shared language of our commonality**, what unites us as human beings.

**It's not because** you are an American, it's not because you are a white person or a Black person or a Hispanic person, it's not because you're a boy or a girl, but **just because you are a person, every person in the world**, there are certain things that can be done to you or can't be done to you that flow from the fact that you are a person.

If human rights are true, there is no 'us' and 'them.' **It's all us**.

These examples of conveying human rights center more on *why* they are than *what* they are. In short, human rights emerge out of a recognition of equality and exist in order to enable all people to live as equals. Nevertheless, the focus is on how human beings move through the world. In this, the universality idea, like the preceding frames, foreground a more individualistic view of people.

Indeed, the importance of recognizing the essential humanity of all is a mainstay among respondents. For example, "it's important to ensure that every human being **is seen as** having the same right to happiness and a life without conflict and trauma and discrimination and poor treatment, and that everyone ought to have access to the same resources as anyone else." As we'll see below, many respondents pointed to the inability to recognize shared humanity as being at the crux of the new potency and reach of right-wing populism.

### Human rights as relational

While we saw various forms of a more individualized – or at least not overtly interactive – approach to human rights, this wasn't the only overarching approach on offer. The next set of frames place relations among people front and center. As one respondent tells it, "to have a real conception of human rights you need to have **a fully developed conception of other people**."

One respondent made explicit this need to go beyond human rights for individuals' wellbeing toward a social understanding of this concept:

The essential element of human rights is **not just the right of the individual, but**

**the right of the individual in community, in society.** It's that notion of, the human rights for the individual are important, but **it's a vehicle for achieving the advancement of, for the betterment of community.** Therefore, that's where the concept of responsibility comes in. It **requires an accountability and a responsibility for others.** That rights need to be balanced. The right to freedom and freedom of expression needs to be balanced with **what is actually going to be for the betterment of community.** I've always said when people say that contending against advancing the notion of racial vilification laws, when people say it inhibits freedom of speech, I say you can't go into a movie house and shout 'fire.' The notion that free speech is unlimited is quite alien throughout Western law... There is a community responsibility that freedom of speech is used in a way that **doesn't cause harm to society.**

However, as we know that overtly stating something is far less effective in terms of both persuasion and base activation than ensuring our narratives make it implicitly clear. Claiming that human rights are or must be made real in social terms when much of our present language unwittingly suggests the opposite doesn't work.

Fortunately, as we'll now see, many of our respondents offer us ways to show, not tell, that human rights exist within, help support, and are relevant to how humans interact with one another.

*Treat others as you wish to be treated*

In the relational view, human rights are nearly always described as a process not an object. The operative word in nearly every articulation is "treat:"

I think I would say that you have to **treat other people with respect.** And that's the same respect that you'd expect to get yourself.

I would say to a four year old, everyone has the right **to be treated** like a real person, or like a human being.

I think it's the system of how we **decide how to treat each other.**

That it's about being able to – it's about kind of the golden rule, about **treating others the way you'd want to be treated.**

I would say things like, **how would you like to be treated?** What are the things you think are important about **how we treat other people** in this world?

If I **recognize the other's pain as equal** as mine, then I'm forced to recognize this other person is equal as me and **I can't treat her bad** – not only that, but I should work towards enforcing a set of norms, a set of rules that will make sure that **the other's treated as well as myself--that the other's treated as myself.**

I think Jesus summarizes it well. I'm not Christian; but, **do unto others as you would have done unto you.**

As is clear from these formulations, the Golden Rule was a mainstay for respondents imagining how they'd convey human rights to a four year old child.

Whereas many of these same respondents had previously described human rights as rules or ways to ensure human needs, they turned to this interactive frame when faced with simplifying their explanation for a child's understanding. Obviously, the operative idea – one raised almost universally by respondents – in the Golden Rule is *fairness*. This idea – that what is for one must be for all – was a theme in respondents' approaches.

### *Respect for others*

It's not surprising that the treating others as we'd wish ourselves to be treated provided fertile ground for explaining human rights to a child. This framework allows for some measure of self-interest. We're not reliant exclusively upon an abstract notion of doing the right thing for its own sake – regardless of what it earns us. The implied, and at time stated idea behind the Golden Rule is that we too shall benefit from better treatment when it's applied.

Another approach to a relational view of human rights posits them as borne out of sheer understanding of the other as human. There's less importance placed on how you, the listener, will be treated:

I would say human rights are about us **showing to each other the love and the respect that we have for each other**. And our ability to listen to each other and act as if we were all equal.

I think it would really be the most effective way would be talking about it with her and her friends at preschool, and saying **it's about looking after your friends**. It's about making sure that they're safe and healthy and happy.

I would also say that human rights are a fundamental expression of one of the most profound human emotions which is that of love. **Love expressed as compassion for those around us**. I know it's old fashioned.

I think our most compelling arguments are those **human connections**, our **being able to understand and see the world from somebody else's point of view** and empathise with them.

So, there's often the debate around human rights – as we're always talking about human rights and not about human responsibilities. But responsibilities is central to human rights because it's about **responsibility and accountability for each other**.

These two frames are distinct but also fully compatible. They offer a slightly different lens on a common theme: how to structure human interaction in the most positive way. Unlike the examples in the previous category, they tend not to reference needs or rules. Further, they emerge unconcerned about questions of provenance – remaining silent on whether human rights are agreements we made or existential truths we simply come to know.

## *Relationships*

Another permutation on human rights as relational has much in common with the previous *a plan for life* frame within the first category. However, whereas the former focused on living a good life as the purpose or desired outcome of the rules, this one places group harmony or positive interactions as the objective:

It allowed us to have a shared understanding of how to **approach a whole set of situations and relationships**.

**Human beings...are gregarious creatures who live and work together**, and we in the right conditions can **create societies that are based on mutual respect**, are based on the respect for the essential liberties and dignities of every human being and that we can create societies where everybody's essential rights, including their freedom from fear and want, including therefore the right to a decent living and decent work, to a living wage, to decent housing, to a good education and health, good health services are available to all.

And it's a framework so that we can all muddle along, 'cause actually **there's a lot of us living on this planet**, it's very crowded, and we do need to be able to help understand what's OK. And that to me's the biggest thing: it's **a set of things that say this is a nice way of living respectfully amongst others**.

It's a way that **human beings can live in a group** in a civilized and dignified way. It also recognizes all the things that are common between us. It's the most basic set of rules that **we should all be guided by in our human interactions**.

For me there's an opportunity for me as well to start thinking of **how we just relate to each other as human beings** and sort of **step away from some of the legalistic language** that embodies the human rights act and world.

To boil it down, the more individualistic version of this frame tells us human rights are rules for living a good life. This version, in contrast, indicates that human rights are rules for having good relationships or structuring good societies. These ideas are, of course, not mutually exclusive. They are different vantage points on a theme.

## *Power dynamics*

Another way in which we noted that the human rights narrative breaks down in certain written advocacy is due to a tendency to shield bad actors from view and dodge questions of power relations. Indeed, often the human rights "scene" in status quo discourse is one that leaves unclear just who is doing what to whom. This leaves open for questioning why we need a set of laws, rules, conventions or ideals.

Not so for many of our respondents who brought *power relations* to the fore of this conversation:

I would say that human rights is the framework that we use to give voice to a set of – and then you could call them lots of different things: values, or morals, or

ethics – that **regulate the power dynamic** between the citizen and the state, and try and ensure that **in that power dynamic you have a framework for injecting good decision making** and fairness and equality and human dignity.

When everyone is born in the world, **some people are not treated** the same as other people, and that's because some people have power and other people don't have power.

All of human society in the past and for the foreseeable future – there are stronger people, richer people, and poorer people and weaker people. What I find most compelling of human rights – it attempts to answer, why shouldn't strong people use their strength to get what they want from weaker people?

I wish that people understood the importance of the foundational democratic institutions of the rule of law and then how that feeds into the foundational understanding of human rights in terms of keeping the balance. So, more in a context power, and keeping the balance in terms of keeping power accountable.

Generally, framing that relates human rights to questions of relative power is relational. In other words, concerns around the ability to dominate others, to impose your will or, conversely, to have the means to resist imposition imply at least two actors on the scene. It is possible to muddle this picture of human rights and power to inject some measure of individualism; one respondent arguably does so in this example, “[human rights is about] human beings’ **role in relation to power** – could be power in the family, in society, **how an individual is able to relate to power** and be protected from power.” But this is uncommon and, still, not entirely individualistic because “relate to power” brings in – at least unconsciously – a second entity.

More obviously, discussions of power resolve the problematic tendency in much of present day advocacy to send perpetrators out of view. As noted in the previous analysis, without illustrating that both problems and solutions are person-made, it becomes implausible that people could change what they're doing to deliberately render positive outcomes.

#### Creation of good versus amelioration of harm

Notwithstanding the differences just explored, there is one commonality that sets these frames apart from current written discourse. With some exceptions, they mainly focus on human rights as the means to create some desirable good. In contrast, written advocacy focuses frequently on amelioration of harm.

And, to be sure, we also find examples of atrocities to be avoided from our interviewees:

I would say that human rights are a list of norms that say that there are some things that **no person in the world should suffer or go through**.

And for those of us who aren't in a religious faith, it's quite good to know that there's still like some things that **you just don't do to each other**.

You don't have to be a conspiracy theorist to see that time and again powerful people and big powerful institutions can be self-corrupting and **can do things to ordinary people which are deeply unjust and deeply unfair** and then they can cover up their mistakes. And we've got enough examples in recent history that that is not just about migrants or prisoners. It's often about regular people. And that in that moment when **the state closes ranks** against one person, or one family, one community, the only way of redressing the balance and getting some measure of justice is to recourse to human rights protections. I think human rights essentially seek to ensure that everybody in a society lives **free from fear and free from want**.

Human rights from my perspective are the inalienable rights that we have **to not be discriminated against, not be oppressed**, for us to all to be treated equal and fairly, **to not experience other people having power over us and causing us harm in doing so**.

They are a system of laws that uphold the different ways that people can live their lives **without fear of being hurt or being trod upon**.

But, notably, these are far less common from respondents than the written analysis would have predicted. To intentionally over-state the case, the human rights advocacy community writes and speaks in the language of abating bad actions but believes in and feels resonance around engendering positive outcomes.

Indeed, numerous respondents critiqued the tendency to focus on harms and crises; one respondent called this "the miserabilist approach." This focus, for many, has lessened the plausibility of the human rights platform in a number of ways. This respondent sums up several of these concerns as follows:

Lately they have been **focusing so much in just denouncing very grave, very serious violations of basic human rights** like war crimes, genocide, crimes against humanity. They have been focusing so much on these, and in a very public way, and trying to get in the news about these with very striking stories, that by doing so I think they have ended up -- I'm hoping unwittingly -- **hijacking the human rights discourse, the human rights label, the human rights even narrative**. So much so that many people or most people associate human rights with that. They associate human rights with headlines saying 'War Crimes Somewhere' or we see a 3-minute TV news clip showing children dying because they have been bombed. So, I think many people now associate human rights with that. That extreme case in which these people are suffering so much. But then, nothing happens. Then, the next day you have the same news clip, or in a few days' time you have the same headline because no one does anything and because nothing happens. But these organizations denounce it, we associate human rights with that. Then nothing happens and what are human rights? **They are about these very grave violations but then they are useless because no one does anything**.

In short, the focus on horrors has inured the public, leaving the human rights community needing to continuously up the ante to get interest. Further, the tendency to enumerate problems can leave listeners feeling like human rights is,

in essence, the losing team. Why bother getting involved or caring when nothing seems to get better?

The problems of focusing on what we oppose in lieu of what we are for aren't merely accidental. It turns out, as this respondent describes it, to be quite difficult to name the positive vision to which human rights aspires:

Theresa May gave a speech where she said if you're a citizen of the world, you're a citizen of nowhere, and to me I would reverse it: if you're a citizen of nowhere, you're a citizen of the world...And in a way it's maybe **giving people something to stand for** who are against that, and articulating what we're for...[My organization's] vision is **a world where human rights are enjoyed by all, and none of us have any way of actually articulating what that looks like.**

A less pointed, but still concerning issue, around the default toward human rights as means to stop harms, is well summarized by this respondent:

I wish people understood how fundamental they were to our humanity and we don't have that here in Australia. And instead **it's seen as an inconvenient set of rules that kind of like stops people** from you know just kind of having a bit of a joke, a sexist joke or a racist joke, and you know all of those things.

When human rights are a don't, a stop, a can't, it profiles restriction in lieu of detailing the desirable future we seek. Taken together with the desensitization from enumerating crises and the related apparent futility of human rights, we find reason to question the efficacy of an overly prevention-focused human rights narrative.

Of course, being focused on ameliorating harms as opposed to creating positives isn't the only concern about the present-day human rights narrative. We turn now to a fuller exploration of this question: What is inhibiting the efficacy of human rights as an animating ideal, especially in the face of rising white nationalism in the US, UK and Australia?

### Limitations of Human Rights

Among the reasons cited getting in the way of the human rights narrative, several have been around since the creation of the storied conventions that launched the sector to prominence.

For example, a few respondents named the actual or perceived "Westernness" of human rights as undermining its legitimacy:

On the left, I think, and among progressive people, a kind of rejection of the idea of the exportation of **the Western human rights framework**. That's something that I'd say there's danger there because I think although it's true if you go back to the genesis of these **human rights protections they are quite elite ideas, mainly formed by people from the Global North**, I still think that that doesn't mean that they don't have value in and of themselves now. And I think one of the challenges is having the narrative of saying that we don't necessarily own the

origins of this framework but actually we think it can work and we think it's not necessarily the framework that leads to things like foreign policy interventions, when we think that there's still value in it and it can be used in a meaningful way now.

I mean, we think of ourselves as a human rights organization, but we more commonly express what we do in terms of promoting and implementing international standards and good practice, so **we tend to use the phrase 'human rights' less because we do think it has acquired a sort of negative connotation.** That, I think, as far as I can tell, is due to it being **seen as a construct that is mainly a Western construct.**

And then I guess also I think there's been a pretty legitimate critique of human rights in the sense that like relating to **imperialist** or ethical (depending on your point of view, ha) **foreign policy.** And this idea that like Iraq, in particular, but other sort of foreign interventions were driven by this idea of bringing human rights to people abroad.

Another critique a few respondents offered was the undemocratic nature of human rights:

So basically **no one elected the people;** the regular people did not elect the people who make the decisions about what is included in human rights conventions.

And the critique that then gets made of human rights by our adversaries in this country is, **there is not a democratic mandate** for that because all this is is **a piece of legislation just like anything other piece of legislation. It has no higher status. Could be repealed by next week by parliament** if they wanted to repeal it. And yet the courts have been emboldened by it to be much more interventionist in the democratic settlement. And obviously **because our judges are not elected** there is a perception among some that those decisions fundamentally **lack democratic accountability.**

This tied, not surprisingly, to notions of human rights as externally constructed as opposed to intrinsic or innate to human beings:

The fact that I said myself that human rights don't exist in themselves but they are a creation of someone...How can we justify them? **If we just made them up they are baseless.** They require leap of faith, if you want. Because if not, this rival is saying that to me because I said that I myself think that they don't exist in themselves; they are a creation Then they say that **why are they better as a creation than an opposing set of rules** that doesn't recognize that everyone is equal?

As mentioned, these potential objections to human rights – that they're undemocratic and not universal – have been with us from the start. Happily, the newer formulations for human rights as rules for life and those that situate human rights within human interactions are less likely to activate and animate these old guard objections. By moving away from human rights as externally constructed (or, indeed, codified at all) we also side-step questions of their

democratic legitimacy. And by focusing on the interactive nature among people we may guard against the “Western constructs” critique.

These familiar concerns have taken new forms and acquired greater urgency in the face of right-wing populism and white nationalism. Further, newer ones have been added that weren’t originally there.

Note – the one place where country-specific differences emerged was in response to whether human rights as a persuasive rhetorical tool is in decline or not. Broadly speaking, the Australians and the Brits included here were largely in agreement that human rights have lost some narrative impact. Americans, conversely, were more likely to discount this assertion and offer examples of an increasing use of human rights framing for various issues and campaigns.

This may be attributable to the different baselines against which these respective respondents measure. In the US, civil rights and the Bill of Rights often form the basis for pushing back against what other nations would label human rights abuses. Thus, the expected frequency and efficacy of a narrative rooted in human rights is likely lower for an advocate working in the US. Especially with regard to domestic policy issues.

Despite this difference around whether or not the narrative of human rights is or isn’t in decline, respondents across geographies had much to say about the possibility of human rights as pushback to the right-wing populism we are witnessing globally. And what it is about present human rights discourse that impedes this from happening and working.

It is toward this imagined or desired conversation between ascendant white nationalism and human rights that we turn now. Specifically, we will unpack respondents’ perceptions of where the latter fall short with respect to rebutting the former.

*For the few, not the many*

For a paradigm that is rooted in recognition of universal human worth and equality, it’s ironic that many respondents named perceived exclusivity as an Achilles heel for human rights. A debility made more troubling under the present-day lure of right wing populism that is, at core, about establishing a deserving “us” and impugning “them.”

There are multiple ways in which human rights has come to be seen as for particular groups, not society as a whole. The first is through emphasis on the persecution of minorities; the closely-related second is through greater emphasis on political over economic rights:

The human rights movement has rightly put a lot of emphasis on issues of habeas corpus and the right of refugees, but **has left out the fundamental, adjoining movements** that have been about the **broader social and economic rights of people**, including, for instance, a complete divorce pretty much from

the trade union movement and the workers organisations, all of whom are fighting for the fundamental rights of their members.

[The ascendancy of nationalism] has been made possible because people don't recognise that **the human rights movement has actually been about the rights of the majority as well as the rights of the minority**. And I think that we are in grave danger now as a human rights movement because **people don't grasp the fullness of the human rights agenda because we as a human rights movement have not expressed it in a way which is inclusive**, which does include the interests and concerns of the vast majority of people who now recognise, for instance, that the global economy, rather than generating a new golden era, has actually generated poverty wages, stagnant wages, precarious employment, vast levels of inequality, environmental damage, and ruthless corporations.

The formal human rights movement has basically **divorced itself from the interests of the majority of people**. When in its origins, its conception, it was about the interests of the majority. You know, Roosevelt and the freedom of fear and want, you don't get much more speaking the majority than that.

Well, the problem right now is that human rights protectors or advocates or lawyers are seen by a substantial amount of the population as **being against the interests of the majority**...The case that we need to fight and win again is the case that says **a society that values and protects human rights is a society that protects the interests of everybody**. And that's really basic to the achievement--what we have achieved in a positive way in democratic societies, especially in the last century. But I think that's completely at risk now. We have to take responsibility as part of the community of human rights advocates. I think the human rights community realises how unpopular they are, and how in a sense misjudged, but how by always championing – or **always being seen to champion – minority interests**, a lot of people in mainstream not just the rightwing groups but a lot of people in the middle of our countries no longer see them as arguing for the protection of the interests of the majority...We're in a very dangerous spot because that's not how people thought a generation or two ago. And we will not sustain the framework of protective human rights if we don't fully have the support of the majorities of our populations.

Human rights is a framework that is empty of kind of common or objective meaning and **is merely a tool used by certain groups or elites within society** to pursue their own political interests. And I think that that's hard to rebut because I think there's been a tendency within the human rights community to not do enough to engage everyone, and ensure that everyone is participating in discussions about human rights. So, if it is the case that it's just lawyers and professional advocates who are talking about human rights...it's much harder to rebut the claim that it's just a framework for those groups.

Obama and Blair and Hollande have been unable to *really* **address the ways in which those communities have been affected by current model of the global economy**, which is not sustainable, which is leading to stagnant or declining wages, which is leading to precarious employment and underemployment, which is leading to obscene levels of inequality...But then of course what they *don't* do is then say, 'well how do we unite as a broad group of people?' They look at their relative status – white sharecroppers were always the worst – always some of the worst racist and members of the Ku Klux Klan in the '30s. It's

because they want to demonstrate that 'at least there's somebody below me' 'cause they see no opportunity of taking it from the people from the people who are far more powerful and wealthy. They want their protection...And so in my mind, we need a human rights movement that's prepared to *speak* again to that majority of people – Black, White, Latino and everybody else – about their interests in terms of a global economy that serves the majority and not serves just a few. That would be my – **one of my biggest pleas for the human rights movement: that we start looking at the social and economic rights expressed through the economic models**, through the business models. What we've got essentially, a model that's driving vast levels, *obscene* levels of inequality and ecological crisis. That model doesn't deserve to be sustained.

In the US, the hardest to rebut is that they throw in this concept that **human rights is just actually creating special treatment**.

I think when those ways those ways of thinking have not been on the ascendency, it's been because there is a widespread conversation that recognises **the universality of human experience**. And my concern with where we're at now is that the kind of the left, or the anti-racist dialogue is a lot of it is about identity politics and I'm concerned that **that might just be another form of creating the other**; that this is how I experience the world and nobody else can understand that, and therefore they are the other.

These critiques, and they were fairly common, are as much of the failures of human rights itself as they are commentary about outside opposing forces. Yet, it may be unfair to expect a rhetorical paradigm borne out of protection of an oppressed minority against state brutality to have shifted toward a story of ensuring everyone's needs. Universality of the human condition, equality among people no matter their demographics has always been at the heart of human rights. However, human rights have long relied on the news-hook, if you will, of violations by the powerful against the powerless. It is to be expected that this is the dominant narrative over the years.

But this precedent need not be the only possible future. And, indeed, as we've seen here there are multiple ways to tell the human rights story. Including, notably, ones that take as given inclusion and universal experiences, needs and concerns.

*Us and them*

A closely-related second concern that is more pressing each day is a reckoning with whether there is, indeed, a "we" to whom human rights confers universally:

I also think **it's about whether or not we have a shared humanity**. We talk often a lot about the idea of humankind, but more and more we're getting nationalistic overtones and the idea of identity on a national level. Without a global identity, that means you can't have a global concept of human rights either.

I think it depends on how human rights are applied. Because it'll either lead to a confrontation or a battle of hearts and minds. And from a confrontational standpoint basically the **white supremacist movement is predicated on this idea**

**that other groups are inferior, right? And the other groups don't deserve whatever rights or provisions** that they – that have been provided them by virtue of their humanity.

If you're economically insecure, you're worrying about what jobs your kid's gonna have in the future, to have migrants entering your community, people genuinely sort of get annoyed by that because they think, 'Hang on, **we don't even have enough of a future for our own children, why are they letting other people in?**'

As noted above, if human rights are viewed as for a select group only, it risks can providing proof of right-wing populists' claims that a cabal of elites don't care about the "average Joe" or "everyday bloke."

Nevertheless, what's vital for a sector that defends the interests of those scapegoated and punished for the harms the wealthy few inflict, is that white nationalism meets a need beyond celebrating purported racial superiority.

### *Sense of belonging*

As described in the written analysis and intuited by many respondents, explicit white supremacy isn't the core outreach strategy of the hard right. The increased traction of white nationalism is rooted in something else for the persuadable middle. Namely – an explanation for their feelings of displacement, economic anxiety or even loneliness. This is where white nationalism swoops in and offers an origin story for the perceived hardships of the white majority in the countries examined and offers, in many cases, a place to belong:

There's the cultural factors around **a sense of displacement. A loss of attachment to your community, a loss of connection in local communities, an anxiety about the pace of change.** I think there's a pace of change that involves everything from the change of the role of women to the prominent role of LGBT people to the presence of a lot more people from diverse backgrounds in people's own community

Because they are the elites and we are the people, and we are being fucked by all of them. So that's why **I look for shelter in something smaller and closer to my identity**--can be a white nationalism or any other kind of identity-based politics that offers me a simple, close to my heart description of the world or how the world works. It gives me a very basic narrative of 'us against them.'

Where human rights feel individualistic, as noted above and in the previous analysis, white nationalism sells itself as communitarian. To be sure, it's an "us" built of exclusion of other, but nevertheless it's about cementing a shared identity and a common purpose. Further, where human rights can seem to be about ending bad things, white nationalism promises a creation or – more often – a return to good ones.

Finally, where white nationalism offers an explanation and antidote for what feels like the world spinning out of control, human rights often provides a

storyline that cements the feeling of unrelenting and accelerating change. Although the human rights paradigm is, by many measures, about order and known outcomes, the sense that “we got this” or there could be some steady, reliable, normalcy rarely comes from human rights.

Many of the innovations described above seem well positioned to address these issues. Animating the human rights “scene” as one of relations, not needs and rights of individuals, may well provide that sense of belonging many in the muddled middle seek. Speaking in the language of common life goals or aspirations, as opposed to established international rules, may allow us to convey shared humanity without needing to belabor it overtly. And offering an affirmative vision of what we’re for, the beautiful tomorrow we can create together, may be how we assuage the real fears of instability, insecurity and ominous unknowns people are facing.

## Appendix A: Interview Protocol

1. What are human rights?

PROBE: What *aren't* human rights, what would you leave outside this category?

2. How would you explain human rights to a four-year-old child?

3. What does having a shared idea or set of laws and conventions called 'human rights' enable? What does it allow us to have or do that we wouldn't otherwise?

4. What do you wish people believed or understood about human rights that many or most generally fail to grasp?

5. Presently, there's a debate that 'human rights' are in decline not just in real terms (greater violations) but also in terms of the persuasive appeal of this concept. If you agree, why do you think this is happening?

6. Right now, as you know, there is a concerning increase in white nationalism across Western countries. What role should human rights play in contending with this idea that's gaining traction?

7. In your mind, what is your opposition's hardest to rebut argument for their worldview and for curtailing or ignoring what you deem essential about human rights?

9. What is our most compelling argument for our worldview and policy solutions?

8. If I gave you a magic wand to set public policy with respect to issues of human rights, what would you do? (Can't bend space-time continuum, turn back past, etc. Not a perfect world but a more just world. Tell me about the kinds of rules you put into place.)

PROBE: Say I am now in this new world some years into the future – what do I see?