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Debating Human Rights

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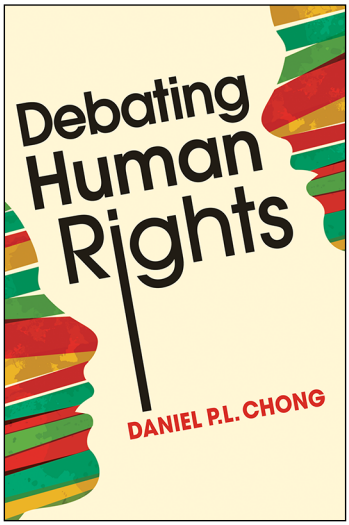

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Introduction

The test of a first-rate intelligence is the ability to hold two opposing ideas in the mind at the same time.

—F. Scott Fitzgerald, *The Crack-Up*

Human rights are based on the idea that every single person on the planet deserves to be treated with dignity and respect. It is truly a profound idea that has changed the course of human history over the past century. Struggles to achieve dignity and equality have spread dramatically across the globe, sometimes meeting failure, and at other times achieving resounding success. When we think of human rights, we think of the inspiring movements for freedom led by people such as Mahatma Gandhi, Martin Luther King Jr., and Nelson Mandela.

Today, human rights have become the "lingua franca of global moral thought";[1] in other words, they now provide the most common global standard by which to judge right from wrong in political life. Human rights help to define how wars are fought, how states are built, how economic policies are made, and which leaders are considered legitimate. If you have ever witnessed mistreatment and unnecessary suffering and said to yourself, "No human being should ever endure this," then you have claimed a human right.

Yet human rights have also been the source of hugely controversial debates and have led to wars and political conflicts. Who exactly should have rights, and what rights are they entitled to? Are rights applicable within certain cultures and not others? Can states afford to protect human rights, even when it might be harmful to their own self-interests? If the attempt to protect

some rights threatens other rights, how do we balance these concerns? These are some of the many debates addressed in this book.

Critical Thinking

The goal of this book is to encourage the reader to think critically about international human rights. Critical thinking involves the willingness to challenge conventional wisdom, to question one's preexisting assumptions, and to develop opinions about controversial issues. It does not mean cynically disagreeing with every received idea, but it does require evaluating the quality of the evidence and the arguments behind a position. Critical thinkers read a text (like this book) and assume that the author is relating his or her own perspective of the truth, not that the text itself is the objective truth. Authors' perspectives may be partly right and partly wrong, and it is up to the reader to decide for him- or herself.

Why is critical thinking about human rights so important? First, because critical thinking can help us to overcome the cognitive biases that we often employ when we approach new ideas. A cognitive bias is a trap that our minds tend to slip into, distorting our view of reality in predictable ways. Biases prevent us from seeing the world as it really is, or from seeing the world from someone else's perspective. Psychologists have identified a number of common cognitive biases, but I encourage the reader to reflect on a particular few while reading this book. For example, the egocentric bias is our tendency to believe that our own ideas and behaviors are superior to those of others. As the humorist Garrison Keillor famously satirizes about the people of the fictional town of Lake Wobegon, "All the children are above average." In debates about human rights, we tend to believe that our side is always the right side. Through the within-group bias, we extend this egocentric belief to the particular groups we belong to; for example, our family, our ethnic group, our religion, and our country. Through the confirmation bias, we tend to hold on to existing beliefs about the superiority of our group's ideas and behaviors, despite evidence to the contrary. We ignore or reinterpret contradictory evidence, while focusing our attention and memory on evidence that confirms our preexisting beliefs. In other words, we tend to overlook evidence that our own ideas about human rights may be incorrect, or that our own country's actions might be violating the rights of others. Critical thinking allows us to reflect upon our own personal biases and deliberately open ourselves up to different perspectives.

Second, critical thinking is important because the conventional wisdom on human rights may be wrong. Most human rights activists believe (or at least say publicly) that there is a strong international consensus that accepts

human rights; that this consensus is manifested in a clear set of international laws; and that failure to enforce the law represents a lack of political will by states and other actors. In other words, political actors know the right thing to do; they simply do not want to do it. That, however, is not the assumption that guides this book. The book is grounded, instead, in the notion that political actors sometimes fail to uphold human rights standards not only because they lack the motivation or self-interest to comply, but also because they have competing ideas about which rights are important and how those rights should best be implemented. In other words, political actors justify their behavior by referencing a competing idea or value. If this assumption is correct, then understanding the different perspectives that animate human rights debates will be central to better realizing human rights in practice, because we will know how political actors justify human rights violations. It is not simply a matter of political will, but of competing ideas.

Third, critical thinking also involves divergent thinking, or the ability to generate new ideas by considering multiple perspectives simultaneously. When presented with competing ideas, critical thinkers do not merely reject or accept one set of ideas in its entirety; rather, they are able to see the strengths and weaknesses in both perspectives, and to see how each perspective might be improved. This can lead to a more creative combination of opposing arguments, a new synthesis of ideas. Thus, at a time when human rights are violated daily across the globe, and solutions do not seem obvious, critical thinking has the potential to identify new solutions to our most pressing problems.

The Structure of the Book

This book is structured in a way that outlines some of the most critical debates in the field. Instead of presenting a series of facts about human rights to be memorized, each chapter details two opposing arguments on a particular topic. In each of these debates, I present the point of view from one side in the debate, and then I present its opposite. Each chapter therefore contains shifts in point of view, making the strongest arguments possible from the perspective of each opposing side in the debate. It is up to the reader to judge the strengths and weaknesses of each argument. The reader should be careful not to dismiss the arguments as "mere opinions." The arguments are more than opinions; they are making theoretical and empirical claims about how the world really works. In some cases, the arguments debate the empirical facts themselves (for example, whether torture produces useful intelligence); in other cases, the arguments marshal different sets of facts to bolster their stance, or interpret the same set of facts in different

ways. Practiced critical thinkers are able to discern the fine line between facts, interpretations of facts, and opinions. Through this process, we can not only learn new facts about the role of human rights in the world today, but also learn to develop and defend our own opinions about the resulting controversies.

Note

1. Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001), p. 53.