

Marianne Farina Response to Professor William R. O'Neill's Lecture:

A Terrible Beauty: Reimagining Human Rights

November 5, 2015

Thank you, Professor O'Neill, for your excellent and challenging presentation and for inviting me to offer a response. You have described how in a world torn apart by horrific human rights violations we may learn ways to re-imagine human rights as a "rhetorical practice of anamnestic solidarity."

This is a hopeful proposal. Moreover, it is provocative, because your analysis calls for a revision of the normative ways we think about human rights. You propose that the victim's point of view has hermeneutic privilege. These narratives exhibit a depth grammar of testimony essential for the reconstruction of human rights claims and "correlative duties of redress."

And it seems you are in good company with this claim. Witness, Pope Francis in his September UN address pleading to all gathered that we should not:

"rest content with the bureaucratic exercise of drawing up long lists of good proposals – goals, objectives and statistical indicators – or search for a single theoretical and aprioristic solution to answer all challenges. . . [but that we must remain] "constantly conscious of the fact that, above and beyond our plans and programs, we are dealing with real men and women who live, struggle and suffer, and are often forced to live in great poverty, deprived of all rights."

<http://time.com/4049905/pope-francis-us-visit-united-nations-speech-transcript/>

Your proposal, like Pope Francis' plea, questions our current human rights regime, i.e., the instruments that support and protect the Universal Declaration of Human Rights. The United Nations has classified some of these instruments as declarations and conventions. The declarations aim at political persuasion. The conventions when ratified by nations become legally binding instruments of international law. These conventions also establish mechanisms to

oversee the realization of human rights throughout the world and assist in resolve cases of human rights abuse.

Additionally, there are human rights educational programs, like those developed by UNESCO, and specialized offices, such as Human Rights Commission. These bodies often monitor human rights action across the globe. They report violations of human rights law by individuals and by nations in the hopes of shaming them into compliance.

More recently, the UN has also established a series of development goals, the UN Millennium Goals, which, like human rights training, are efforts to establish the social and economic conditions to secure human rights. Along with these international mechanisms, there exist regional and national declarations, all of which aim toward the full implementation of human rights and establish forums for processing human rights claims.

Thus our current Human Rights Regime is a very sophisticated and extensive evolution of the 1948 UNDHR. However, these instruments are not very effective. They produce a dispassionate rights-talk or “cold rights,” as Louis Henkin maintains, incapable of providing the “warmth, and belonging,” that makes possible “mercy, compassion, reconciliation, redemption and renewal.” (Henkin, 154 in *Do Human Rights Need God*, edited by Elizabeth Bucar 2008) What you offer us here is a way to “warm-up” cold rights through recognizing that “basic rights and correlative duties hang together grammatically, configuring a rhetorical practice of anamnestic solidarity.” (ibid)

Yet, as you also state, “remembering is not enough.”

Your paper points out that rights must function critically to reveal a wounded memory and constructively to weave these memories into a “greater story that unites.”

In this way we create an organism for thinking about human rights more inclusively and effectually. These opportunities aim towards redressing wrongs not only through legal restitution, reparation, or apology but also through providing the personal and social spaces for listening to the voices of those who suffer as we seek ways to act on their claims for justice.

In light of what you propose, I recall the experience of the Muslim and Christian women in Liberia. Their stories of suffering became an opening for dialogue with the religious Other. Together these voices uttered a powerful word of “halt” to the human right violations piling up and an inspired “yes” to a renewed commitment to democratic processes, social reconciliation, and peacebuilding. Liberia was transformed.

Your description of human rights and duties goes beyond legal concepts. They are, in this rendition, living guarantees. They are grounded in an ongoing invitation for those in the margins to speak. These promises necessitate a radical openness to others and a commitment to attentive listening and just action as a way of life, i.e., a readiness to engage in all types of stories and in various contexts: homes, village verandas, classrooms, as well as truth and reconciliation courts—and to seek justice. It is a proposal for restorative justice animated by mercy.

Reflecting on these insights, I wonder if we all have the capacity to embrace what you propose. Are we willing to take the risks embedded in this vision of personal and social moral repair? Are imagining and remembering, as outlined here natural capabilities? Or do they require the development of specific competences? How might we move from a reflex of “reactionary thinking” to ways of listening and speaking characterized by availability, reflexivity, humility, and compassion? What virtues must we acquire? And even if we have learned good listening skills, what might be the epistemic limitations to our understanding of the other? Is it not possible for “hearts to grow cold?”

Let me conclude by noting that UNESCO has recently incorporated “listening/dialogue” training into its educational programs. This plan lists these competencies as critical instruments of the international human rights regime. Abandoning flow charts, and even Rene Cassian’s UNDHR portico, UNESCO has adopted a new symbol for this regime: an intercultural competency tree. This shift is not unlike what you are proposing here: a re-humanization that ‘lives on and transforms itself’ in the passionate listening and remembering of those who suffer and endure.” Re-imagining human rights in this way is a “humane righting.” It is a pledge, an assurance, a vow that the tears on the face before me, will **not** fall “like rain in the summer.”