

BOOK REVIEW

Development as a human right

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Development as a Human Right is a collection of fourteen essays by participants at the Nobel Symposium on the Right to Development and Human Rights in Development held in Oslo in 2003. The contributors are all academics who work on human rights or development, and many have professional links with the United Nations or other human rights organisations.

Most of the essays are thus by and for “insiders”, addressing questions that only those who have already bought into the idea of a human right to development are likely to find interesting – questions such as: How should the right be advocated through complaints procedures under human rights treaties?

For outsiders and sceptics there are two interesting questions. What is the right to development supposed to be? And what good is it? The collection contains essays that touch on the first question, about which I will have more to say soon. But the second question is not addressed. Although several contributors are economists, they never pause to wonder whether a right to development in fact advances development. It is a shame, because the case for a right to development surely depends on the answer to this question.

Several of the authors display a peculiar bureaucratic tendency. They beaver away at articulating, trimming and planning the institutionalisation of a right, the merits of which they take for granted for no apparent reason beyond the fact that it has been declared by the UN. Alas, the 1986 UN Declaration of the Right to Development is preposterous:

“The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and

political development, in which all human rights and fundamental freedoms can be fully realized.”

Anyone who devotes himself to polishing such a turd is sure to get his hands dirty.

Amartya Sen, for example, uses his short essay to defend the alleged human right to development against a familiar objection. Many think of human rights as “manifesto rights”; they are the legal rights that all states should give their citizens. There is a human right to life, for example, because all states should criminalise murder. And if there is a human right to basic medical care (which many claim to be entailed by the right to development), that is because all states should give their citizens a legal entitlement to basic medical care.

But here is the problem. Many states could not deliver this entitlement. They lack the resources to provide all their citizens with medical care. And since it is silly to say that people or governments should do what they cannot do, it is silly to say that there is a human right to basic medical care. Sen responds that “feasibility” – the ability to make something a legal entitlement – is not necessary for the existence of a human right.

Sen thereby rejects the standard idea that rights entail corresponding obligations – that if you have a proper claim to something then some individual or institution is obliged to provide you with that something. Rejecting this condition removes all constraints on those who enjoy asserting rights willy-nilly. But it also makes the assertion footling. If your right entails no obligation on my part then you are welcome to it; it has no more cost for me than it has use for you.

That Sen should believe in rights that entail no corresponding duties is less surprising when you recognise his more fundamental mistake. He confounds human rights

with the belief in human rights. He claims, for example, that Bentham had things the wrong way around when he said that a right is “the child of law”. According to Sen, rights are the parents of law (p. 4). Why? Because some legislation has been caused by legislators’ belief in human rights.

If Sen thinks this slip is fine when it comes to rights, perhaps he will also approve of this argument:

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| | 1. Some people go to church because they believe in God |
| Therefore | 2. God causes church attendance |
| | 3. Only what exists can have effects |
| Therefore | 4. God exists |

Of course *belief* in a right can exist even when no one has a corresponding obligation, just as belief in God can exist when there is no immortal being that created the universe. But for those who are interested in reality, be it moral, legal or cosmological, the prevalence of wishful thinking is irrelevant.

Whereas Sen confounds the right to development with belief in this right, Arjun Sengupta confounds it with development itself. Near the beginning of his paper “The Human Right to Development”, Sengupta claims that development can be described as a vector:

$$“DR = d(WR) = (dR_1, dR_2, \dots, dR_n, g^*)”$$

when dR_i is the improvement of the right R_i over a period, and g^* is a rights-consistent (or a rights-based) process of economic growth during that period, and DR is the process of development as progressive improvement of rights-based well-being.” (p. 14)

If you find this less than illuminating, never mind. It is the formalisation of nonsense. Just consider the expression “the improvement of the right R_i ”. What can Sengupta mean by improving a right? And how can he think rights are quantities, as his formalisation requires them to be? The answer is that he equates the right to something with the actual consumption of it. The quantity of the right to food someone enjoys is simply the quantity of food he consumes. How else can you make sense of Sengupta’s assertion that,

“People may have slightly more of the right to food against slightly less of the right to education, depending on the constraints on institutional and financial resources” (note p. 16).

They certainly may have more or less food. But more

or less of the right to food? John has twice as much of the right to food as Jane? John has ten times as much of the right to food as he has of the right to education? It is gobbledegook.

Sengupta later claims that “the right to development can improve only when at least one [constituent] right improves and none is violated”. Really? Is development, or the right to it, really an all-or-nothing affair? This would mean that the Chinese, whose civil rights are systematically violated, have experienced no development over the last ten years. Or perhaps they have developed, but without their right to development improving. When implausibility is heaped onto incoherence, it is difficult to understand, let alone believe, what is said.

Such intellectual chaos abounds in this volume. For another example, Hansen and Sano claim in their essay that “individual and group rights are crucial in the creation of equity, non-discrimination and well-being”. Never mind the absence of any explanation or evidence for this assertion. How can group rights possibly be crucial for non-discrimination? Group rights are a form of discrimination. They afford members of the favoured group, such as indigenous people, entitlements lacked by others. Yet Hansen and Sano do not even attempt to explain away this obvious contradiction.

This kind of sloppiness makes *Development as a Human Right* frustrating to read. And the pain is exacerbated by what Louise Arbour, the UN Commissioner for Human Rights, describes in her forward as the book’s “excellent scholarly writing” (p. iii). Here, for example, is the opening sentence of Rajeev Malhotra’s contribution:

“The move from advocacy to an implementation framework for universal human rights is inextricably linked to the issue of identifying and devising indicators and monitoring methodologies that are reflective of the relevant human rights norms, standards and principles.” (p. 196)

The book is crammed with such leaden verbosity. In a passage designed to get to the heart of the matter, Louise Arbour tells us that,

“The real purpose of the right to development is to secure the harmonization of the aspirations toward the material improvement of the human condition with the aspiration of freedom and dignity.” (p. iii)

This is both pretentious and obviously false. The purpose of the right to development is surely to promote development. And whatever development is, it is not the harmonisation of aspirations.

Development as a Human Right is reminiscent of pre-enlightenment theology, with all its pedantic and incoherent fine-tuning of a crazy and unsupported central hypothesis. If you seek evidence that entitlements to welfare increase it, or that the UN's 1986 Declaration of the Human Right to Development has helped the world's poor, you will not find it here. You will find only the excruciatingly dull intellectual machinations of the human rights clergy.

Nevertheless, I recommended the collection to anyone toying with a career in the rights-based development industry. Even if it does not put you off altogether, at least you will know what you are letting yourself in for.