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Conclusion

What is the use of having a right of free speech if no one is listening. (Aboriginal artist Sally Morgan, Radio National, 10 November 1995)

THE TERRAIN OF human rights is broad and there are many ways of crossing it. Moreover, it is a terrain that is incoherent and contradictory, and full of both vehemence and uncertainty. This reflection on rights has sought to take a particular path across that broad and rocky terrain, particularly in regard to the promotion of human rights practices and approaches in international life – a life that does not start at the borders but one which in various ways includes us all. It argues for a shift in approach – a greater preparedness to reflect on some of the categories by which we construct our sense of human rights and some acknowledgment of the limits of our understanding, or even of our ignorance, of the complex life to which these categories, particularly that of the human, refer. The purpose of this questioning is not to reject outright classical perspectives and mechanisms or to elaborate a new vision of human rights. It is more simply to enable a better human rights practice – that is, to enable a rights practice which is more observant of and responsive to the spectrum of injury that we collectively inflict and endure, more open to engagement over the long term with the complexities of the actual social practices, institutions and circumstances in which many forms of abuse are embedded, and which is at the least oriented no less towards the reconstitution of social and political relationships and structures shaped by violence and humiliation than it is towards the condemnation of the perpetrators. It is to enable a practice that is less preoccupied with promoting a gilded vision of its own self-image as the truth and, while not abandoning tools and experience, more willing to listen to and work with others. It is these concerns that have been explored in the case studies.

The language of human rights has emerged as part of the ambiguous possibilities and shifting forms of the modern state – the state not solely imagined

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as contained within its borders but understood as part of the broader international dynamic by virtue of which borders and states, as such, exist. The transformations of this language of human rights, as of the forms of governance with which it is so intimately connected, are an on-going and largely unpredictable process. It is a language or a set of tools which can work in various ways and to various effects, and which has a complex, dense accumulation of traditions, debates and practices. What is meant by human rights in practice (and how widespread and functional the international standard in fact is) will evolve, if at all, not as a Western concept exported elsewhere, but through the pressures of interaction within and between communities caught up in the patterns of conflict that collective suffering reflects and generates. For this argument, the significance and much of the power in contemporary international life of concepts and practices of rights lie in their use as a means of articulating and recognising suffering, of questioning the use or generation of systemically imposed injury as a form of political organisation or a means of constructing community and, counterposed to the infliction of suffering, of enabling relationships of active respect.

Running through human rights practices and approaches, however, particularly in international 'rights talk', is the dominant model, or family of models, of rights, discussed in chapter 2. In this model, rights have been classically constructed in terms of the legally defined relationship between the individual and the state – the notional contract. Rights fulfil, in this construction, two functions. They stand as the fundamental (political) expression of the subject; and they act as those mechanisms that constrain infringements by the state (or the majority) on the individual's proper exercise of his or her freedoms and interests. Thus rights protect both the individual from incursions by the state and the individual's interests in the context of the state. This way of conceptualising human rights has been fundamental to the evolution and the project of the modern free-market liberal democratic state. It has provided a remarkably powerful framework for the characterisation of both the individual and political community and for the identification of abuse. Moreover it has to a significant extent shaped the terms in which general debate over human rights in international politics has been repeatedly cast, particularly the polarity of universal and relative values, of the 'rights of man' and the citizen's rights, and of political and economic (or social or cultural) rights.

In this construction of rights, the individual's freedoms or interests may be conceptualised as natural and as (notionally) pre-existing the state; rights are then understood as the exercise and protection of inherent attributes through the medium of the state, as flowing from the individual and transcending the state. Here the claims for human rights as the essential attributes and expression of the abstract universal individual are cast and aspirations for individual liberty or equality are spoken as ontological truths or natural destinations. Or

rights may be seen more pragmatically as socially conditioned mechanisms not so much grounded in nature as located in the legal and political apparatus of the state or in agreements among states – as the legal and quasi-legal relationships by which citizens' claims for their freedoms or entitlements against each other or the state can be considered. Rights in this case stand as a broader field of entitlements and obligations of which 'human rights' comprise a subcategory. Thus the language of rights in this dominant family of models is, in very broad terms, characterised by two voices – an ontological universalist approach and a more utilitarian administrative emphasis on civic virtue. These two voices or positions can be understood as competing, as an ontological 'rights of man' versus a more utilitarian 'civil rights'. Or the legislative and utilitarian can be understood as an expression of an underlying ontology. (For example, Dworkin in *Taking Rights Seriously* (1977) argues for the integrity of legislation and principle.) Or the utilitarian approach can assume that it grasps, not a universal ontology of the human, but the principles of modern rational social progress. Within broadly liberal institutions, in practice at least, the two approaches often work in tandem.

The language of universal human rights imagines it is talking to and for all the world, calling on both the persistence of people's aspirations for non-violence or justice or compassion in the face of the experience of violence, exploitation or marginalisation, as well as on the historically hegemonic power of modern liberal democracies to back this claim. This category of the universal, however, is less an expression of the natural shape of things than part of the conceptual construction of the state and of specific models of citizenship. Within classical liberalism the rights of universal man are rights within a state just as the trope of universal man emerged as an imagined authoritative origin for the state. The contract is with the state, and the human rights of the individual are recognised and upheld by the duties of the state. Rights are conceived as precisely that means by which the sovereignty of the individual citizen within the state is in principle defined. But the sovereignty of the citizen rests upon the prior sovereignty of the state and its capacity to assert that sovereignty in the world. Within this language of rights the individual and the state are mutually constitutive fundamentals locked, at this level of abstraction at any rate, in a permanently circular relationship. The categories of the state and the individual produce each other. It is *this* construction of human rights which gives so much purchase to the question of whether rights belong to the individual (the 'rights of man') and are articulated only by the state or whether they are located primarily (or even solely) in the legal technologies of the state (the 'rights of the citizen'). It is this construction of rights which establishes and counterposes these two – and only these – sources of legitimate authority or origin for claims of rights.

This dominant construction of human rights establishes a quite particular way of imagining and constituting both the individual person and the political

community or relationship. In so doing, it also highlights a narrow, if significant, range of political injury. The attributes and aspirations of the highly abstracted conceptualisation of the individual subject produced by this approach become the yardstick for the universal, but it is a yardstick that for many people – Indigenous youths in Australian jails or low-caste women in Bangladesh, for example, or children dying of diarrhoea across Africa – has proved in practice to have little to say. Moreover, as the discussion of Indigenous health in Australia indicates, as a basis for addressing equality in political community it can impose a subtle but powerful uniformity which further entrenches exclusion and abuse. Even the insight afforded by the figure of the autonomous self-interested individual into educated urban youths in Beijing demonstrating at the symbolic heart of state power can be flawed and misleading.

The state, as the other half of this partnership, is similarly abstracted and obscure. For much rights talk the form of the state is ideally one of a neutral rationality, a transparent container and mediator of the interests of citizens. The category of the state is regularly cast as intrinsically other than the broader social domain, which may be given its own special category of 'civil society' (a kind of community, however, to which it seems only politically 'advanced' societies can aspire). This radical bifurcation of state and society goes beyond the observation that the ending of a particular regime can remove the direct source of much violence or exploitation and allow a reconstitution of political life. Here the state occupies a position on a sliding scale between an ideal minimalism, where it protects the free flow of pre-given subjects and approaches a universalism of form, and an oppressive monolith, obstructing that free flow. But the discussion of both the Tiananmen Square killings and Aboriginal health suggests that the state is a multiple, dynamic reality with diverse and sometimes contradictory commitments, interests and inertias, that retains access to overwhelming force but is also deeply interwoven with many, perhaps almost all, aspects of life. In extreme forms, the figure of the 'state-as-tank', exemplified in much Western response to the Tiananmen massacre, can hinder our ability to understand or work to untie abuse. Certainly where abuse is concerned, this is a narrow, restrictive understanding of power, of political relationship, and of the place and mechanism of injury within it.

Or, in mirror-contrast to this divorce between state and society, for those strong communitarian perspectives which reject rights universalism and, for example, uphold the 'Asian Way', community is often understood as ultimately absorbed and bounded by the state. Thus the real and persistent difficulties of working across cultural and institutional differences are rewritten into an apparently philosophical confrontation between universal and relative truth. But, as was said in chapter 3, rather than being intrinsic to the nature of moral life, this particular confrontation seems to be rooted in, and a reflection on, the history of the Westphalian state and state system. As Walker suggests (1993),

the idea of the sovereignty and legitimacy of the modern state, which in part emerged in response to the need to contain the violence of competing dogmatic claims to universal truth, itself works as a hinge between a conception of universality (whether the state is imagined as that political order founded upon a figure of universal man or as a neutral proceduralism that is everywhere efficacious) and a conception of differentiation – the particularity of territory, of culture, and of the exercise of power that define the state. The history of colonialism has further compounded this dynamic. It is here that the pseudo-choice of human rights as either a matter of abstract universalism or of relativism (neatly identified with the contours of the state) is claimed to be definitive.

Thus to step aside from the effort to ground once and for all an orientation towards non-injury, a respect for or even a cherishing of others in models of universality is to embrace neither relativism nor an ethical vacuum. The often rather parochial universals by which the modern citizen–individual is conceptualised are a mechanism for elaborating particular limits for particular kinds of political arrangement. They have value as such. But they do not do justice to the rich complexity of people,[1] nor should they be required to do so. Preoccupation with arriving at universals as fixed propositional truths, beyond the most general injunctions, may simply indicate a highly questionable belief in the pre-eminence of the conceptual domain, according to which what is most important in our interactions is an unvarying propositional product.

As well as the debate between universal and relative values, international rights talk often reflects a preoccupation with the contract between individual and state in other, more direct, ways. Certain kinds of abuse, particularly those that involve overt confrontation with arms of the state, are noted; systemic injury which is embedded in other patterns of social practice (as is the case with much abuse of women, for example) or reflects extreme social dislocation or an underresourced or incompetent rather than oppressive government, are relatively invisible or, if visible, draw little international response. Those widespread patterns of abuse which occur in the pursuit of another kind of free flow – that of capital and wealth creation – and which are frequently embedded as much or more in international economic dynamics as in structures of a particular state often sink into profound darkness.

Perhaps because it is assumed that we in the liberal democracies already know well enough what the person is and what constitutes proper political arrangements, human rights are often promoted internationally as a message from one state to another. Moreover the message of rights is often implicitly or explicitly a threat. It is not surprising that an understanding of rights which situates them finally and overwhelmingly in the relationship between individual and state (as moving from oppressive to transparent) sees success or failure at pressuring governments as the crucial test in the pursuit of rights. The often complex and obdurate problems around which abuse erupts most violently are

referred for solution to what is assumed to be 'an achieved body of principles and norms and rules already codified in texts and traditions' (Walker, 1993: 50). This approach is liberal in principle but realist in method; explicit or implicit confrontation is its primary defining tool.

The liberal construction of rights, and of international relations, has produced not only an articulation of principles but an emphasis on rights regimes and a framework of UN mechanisms and international institution building to support these principles. Through standard-setting and monitoring activities, formal and informal regimes enable some work across states on the gradual processes by which national institutions and political processes take shape and are reconstituted to be undertaken. Shared mechanisms for broaching practical problems in even this most sensitive area become thinkable. Yet much of this work remains distant from the concrete social relationships within which human rights abuse is often embedded. Patterns of suffering and eruptions of violence can raise questions that are intimate to the life of a community. International regimes would need to step well beyond the realms of technocratic elite networking, valuable though this can sometimes be, to penetrate the patterns of legitimacy, the distributions of power, within the lives of the cooperating states and the communities and institutions within and between them, to have sustained impact on human rights observance.

This broadly liberal construction of rights, in practice often both contractarian and utilitarian, has generated a complex network of practices. To question its terms and seek to step aside from its claim to encompass both the human and the human community is not to dismiss the aspirations, the particular forms of freedom, justice and equality, to which it gives priority. And it is certainly not to make light of the emphasis on institution building or the legal and administrative technologies of rights, which are an essential element of working rights practices. Moreover the practices that have emerged under or might be claimed by the rubric of the liberal construction of human rights are not always simply reducible to its theoretical models and their general implications. The significance of the use of particular mechanisms or approaches can depend on their context and application as much as or more than upon their more broadly apparent range of inbuilt possibilities, inhibitions and exclusions. Rights are 'protean and irresolute signifiers, varying not only across time and culture, but across the other vectors of power whose crossing indeed they are sometimes deployed to effect' (Brown, 1995: 97). Tools can have a number of uses and be turned to a number of purposes; but in themselves they represent neither the truth nor error incarnate.

In practice, as Wendy Brown and others have argued, the contemporary institutional and legal architectures of human rights within liberal democratic states have provided an array of mechanisms which can produce varying, even contradictory effects: 'rights converge with powers of social stratification and

lines of social demarcation in ways that extend as often as attenuate these powers and lines' (Brown, 1995: 98). The life conditions of many Indigenous people in Australia are one example of how the contemporary operation of rights mechanisms in one particular liberal democracy has failed to deal adequately with severe, life-endangering marginalisation. In this case, the evolving framework of rights has both at certain points compounded abuse and at others provided crucial means for responding to it.

In the international domain the dominant approach to the promotion of human rights rarely acknowledges that what has been accumulated is a problematic but substantial array of practices that may indeed prove valuable in particular circumstances.[2] On the contrary, the liberal construction of rights is repeatedly put forward as the definitive word on complex values such as freedom, justice or equality. There is little acknowledgment that this model of human rights, which claims so much, can produce systemic myopia as well as its own forms of abuse, or that the actual history of rights practices has been experienced in sharply different ways by people who at any given time were included or occluded by its terms. Stepping back from these architectures of rights, without negating them in blanket fashion, can allow us to weigh our purposes and our methods in pursuing rights enhancement.

This reflection on human rights has approached its subject in an open-ended way, and some things may be lost as well as gained by this. The open-endedness is part of the effort to take issues of human rights back to what are understood here as their most significant broad purposes and orientations. That is, to take them back to the articulation and recognition of suffering and the questions with which the systemic infliction of suffering can confront us – back to the breadth of questions of how we value each other in the dynamics of the contemporary world, or, more sparely, to a consideration of how we harm each other and how such knots of harm may be loosened or undone. The dominant models of human rights could be understood as one prominent part of a more heterogeneous set of answers to such questions – a Western modernist jurisprudential response, which is itself embedded in complex arrangements of social institutions, social procedures, enforcement mechanisms and training of citizens. In the breadth and complexity of their practice, these answers are not to be essentialised and captured as inherently good or bad; the primary point here, however, is that they do not exhaust the questions.

The approach taken in this argument also raises questions that have only been touched on here. One of the more pressing is the question of injury. This argument begins less with a positive principle of human rights than with suffering and injury. Yet as a category for political or social inquiry, suffering is difficult to contain. It is a core reality of and a familiar companion to every individual's life and perhaps, as one of Nadine Gordimer's character's comments in *The House Gun* (1998), the only real democracy – one avenue to the experi-

ence, in all its living complexity, of what we share. But when does suffering become also abuse? Is suffering that is inflicted and legitimised as a foundation or consequence of political organisation, or as a means of asserting the potency of others, abuse? What are the processes by which the experience of suffering comes to be regarded, by the sufferers and by others, as a matter for political action? According to what forces do the thresholds of the tolerable and of the political shift? Those who benefit from the patterns of others' suffering, or else who do not bear its consequences, can too easily assume familiarity with the boundaries of the tolerable and of the political. Recognition of the intolerable is a dynamic understanding that learns and revises. Yet this is not to say that abuse, or the infliction of suffering as an instrument of political life, is an easily malleable category that transforms lightly, without residue, from time and place. Rather it seems more likely to be one of the slow-changing bedrocks of the human landscape.

Human rights practices are not part of a progression to perfection, or its approximation, but a way of working with the systemic generation of suffering. They offer not so much an answer to the persistent problems of living together as a way of going about these problems in contemporary circumstances. The 'way we go about these problems' is indeed a matter of political institutions and structure and of the social practices in which the patterns on the water which we identify as our lives take shape. But despite the vital significance of political structure to generating or countering abuse, this does not mean that human rights can be finally secured by getting right some particular model of the system. Nor does respect for rights resolve in advance what valuing people might actually mean in particular circumstances. And nor does it automatically resolve issues of competing entitlements. In the epigraph to this chapter, the Aboriginal artist Sally Morgan points to the limits of the legal architectures of rights in a political, institutional and cultural context where there is insufficient emphasis on communication, exchange and listening, where what is different or unexpected may be encountered. To be recognised as a bearer of rights is in the first instance to be accepted as part of the effort to work out in practical terms and without violence what valuing people might mean in this circumstance and life.

Countering abuse is a practical matter which involves specific institutional, and often legal, mechanisms – mechanisms that may often be broadly repeatable from one cultural setting to others. Much of the accumulated practice of the liberal jurisprudential and administrative traditions can be relevant here. Nevertheless legal (and policing) solutions can prove disastrously insufficient. It seems hardly surprising, for example, that female infanticide in western China is hardly touched by legal prohibition. Nor has formal citizenship, bolstered by anti-discrimination legislation, proved a sufficient response to the marginalisation and 'outcasting' of Indigenous Australians. Moreover, as the discussion of

Aboriginal health underlines, nor do welfare remedies necessarily make up what is lacking from formal, politico-legal solutions.

To the extent that notions of human rights are a way of grappling with how to live well together, with constructing relationships which do not rely upon injury, they are about community. Indeed part of the potency of the relativist position in its classic conflict with universalism is that relativism promises greater sensitivity to the contours of local realities and actual communities than does the often strident declaration of an irreducible morality. As with the category of 'human' in human rights, addressed in chapter 1, 'community' can be a paradoxical term in this discussion, for notions of human rights both appeal to and challenge the structure and experience of community.

On the one hand, rights practices more broadly can constitute mechanisms for building and sustaining particular kinds of communities – for establishing forms of participative civility, for asserting or claiming a role as interlocutor, or sufficient membership of the community as one's right to participate and to be recognised as a participant in a particular domain of interactions. Rights, Marx argued, are 'only exercised in community with others' and 'their content is participation in community' (1972: 39). 'For the historically disempowered, the conferring of rights is symbolic of all the denied aspects of their humanity: rights imply a respect that places one in the referential range of self and others, that elevates one's status from human body to social being' (Williams, in Brown, 1995: 96). In this sense rights practices are not grounded in and need not entail strong assertions of individualism, for in practice and fundamentally they involve the recognition of the mutuality of our lives – of being part of the 'referential range of self and others'.

Indeed human rights are sometimes defined as 'co-extensive with membership in the community', with the possession of rights defining 'recognition . . . as a member of our community' (Bernstein, 1993: 29). In practical terms, when people are working to encourage conditions in which rights practices are possible, or are endeavouring to establish particular rights practices by embedding certain kinds of activities, approaches and restraints, they are nearly always working within some form of bounded community. Particular rights make sense, then, within the referential field of a particular world of interaction. This is the grounded but also exclusionary sense of community that is usually equated with the state and its legal structures but which is certainly not limited to the state – the obligations to and from others who are part of a distinctive social or economic matrix, for whom you occupy a position, a set of agencies and of proper expectations. Rights as specific entitlements, established by law or custom or institutional practice, are defined, enforced and evolve through reference to such sets of relationships.

At the same time the notion and often the practices of human rights – and the recognition of abuse – problematise community and its sense of shared, if

articulated and differentiated, identities and its natural exclusions and boundaries. Confrontation with rights abuse can show us unexpectedly 'the face of the victim', a face in which awareness of the borders of our interest or concern, or of the barriers (of race, gender, class, ideology, nationality, and so on) by which our identities are articulated and which are so often the sites of abuse is juxtaposed uncomfortably with a recognition of connection or of a common vulnerability. Thus it can question our sense of ourselves and of others and the social and political priorities and practices which are the matrix of those identities. It can demand that we see ourselves through the eyes of the victim. When cast in general terms such questions are rhetorical – a general affirmation of the priority of people. But in practice they are searching, and answers to their conundrums of identities, commonalities, distances and dangers rarely seem easy or obvious.

In this sense the idea of human rights suggests the possibility of a participation that is not exclusionary and that goes beyond the lived experience of a common life. It recognises the possibility of mutuality across division and emphasises the reality, with effort, of communication and shared understanding. This may be in part why we often talk about 'recognising' human rights – not because the rights in question are necessarily an interior commodity awaiting recognition but because we are seeing a connection, identifying a commonality, recognising some element of 'ourselves', and so entering the process of relearning and reshaping 'ourselves'. It is a recognition of interconnectedness. This is a recognition more likely to shake and disturb our sense of the way things are than it is to offer reassurance. But it may be the great value of the mixed bag of human rights that it keeps raising unsettling questions around its own fundamental categories of human and community (or relationship), categories that are not fixed so easily into those of individual and state.

This is certainly not to reach for an all-inclusive universal community of humanity. (It can be too easy, with such an imaginary universe in mind, to think that we can speak for all being and so avoid the difficulty of speaking from our own lives.) Rather, it is more simply an emphasis on linkage, on the potential for and (if we are to counter or avoid abuse) the necessity of communication and engagement with others, on the absolutely ordinary (and often unsuccessful) work of enabling mutuality – community as process. Thus community and the communication which is part of it are not only an effort to translate 'them' into 'us', the strange into the familiar – a bounded process – but an open-ended relationship, to which listening, openness to being changed and to catching echoes of the foreign within the familiar, and preparedness to work with and accept difference are fundamental.

In practice, working with human rights may often involve assisting the emergence of strategies by which the excluded can speak more effectively to the processes which shape their lives. A working human rights practice may

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essentially operate as a way of recognising others as interlocutors, acknowledging interconnections and common vulnerabilites across divisions that do not go away. Such processes are not particularly a matter of sentiment. All the case studies, in one way or another, turn on this point. Progress for East Timor, for example, requires of the international financial, peace-building and aid community the mundane but difficult process of taking the time to work on the ground with the East Timorese, of drawing on accumulated knowledge of other cases while holding back the imposition of 'solutions'. The emphasis on reconcialition by some leading figures in East Timor at present – an emphasis not necessarily widely accepted among the broader population – is a reminder of the difficulty of acknowledging a threshold of mutuality, of appreciating that the real need to pursue justice may occur in a context where violence has been a shared (if profoundly unequal) reality, and that this too must in some way be worked with. To repeat the 'international analogy' of chapter 1, this second sense of 'community' is a reminder that divisions are within as much as between communities, particularly that community which is the state. It is a reminder, too, when the state is taken as the defining community, as it often is for questions of rights, that states are shaped by histories and patterns of interaction that stretch well beyond the singularities of place, culture and political arrangement. The condition of Aboriginal health, for example, pulls on these different strands of community by highlighting the problem of the systemic marginalisation of indigenous populations within the mechanisms of citizenship, the questions this poses for the construction of citizenship, and the place of this quandary within the broader international dynamic of colonisation and decolonisation. Moving forward on questions around the status of Indigenous people in Australia is also often cast in terms of reconciliation. In this case it is important that any act of reconciliation is not another effort at final absorption and closure but the recognition that citizenship can be constituted through an on-going process of exchange.

The defining orientation to working with human rights abuse needs to be one capable of sustained work on reconstituting social and political relationships. Threats and punitive measures may be appropriate tactics – if you are in a position to threaten successfully, in a carefully targeted manner for a definite goal, if the situation of abuse is clear-cut, if the specific content of such measures is relevant to the nature of the abuse and the balance of forces within the state or the situation, and most importantly if the measures do not simply impose fresh abuse. And confrontation is often necessary. However, if the goal of the promotion of human rights is actually to bring about change in abusive practices and structures, confrontation can only be one moment in a much broader network which is not essentially confrontational or punitive but which engages directly with the institutions and practices at stake – at a structural level, to the extent that is possible, but also with the tissue of relationships, iden-

tities and tasks that give body to structure, that embed and reshape it. Unless it is purely a matter of exerting preponderant force at the crucial moment, even confrontation needs a context, some shared recognition of exchange, in which the weight of injury can be laid bare. Abuse is not 'their' problem for any more than a moment – the 'us' and 'them' of the systemic infliction of suffering is not fixed in absolute terms. Human rights rhetoric sometimes seems to suggest that only if enough pressure were brought to bear, oppressive regimes would come to an end and the problem of abuse would disappear. But the formal end of a particular regime (the withdrawal of the Indonesian military and sovereignty from East Timor, for example) leaves still the question of how lives and identities structured by violence and the logic of enmity are rebuilt. Declaratory standard setting, too, leaves this dimension untouched.

Thus, as the discussion of the Tiananmen killings and in different ways all three case studies argue, even when culpability is clear and specific, and condemnation and threats warranted and in some ways effective, the need for the laborious, long-term work with those complex institutions making up the state or shaping society remains. This may be the work that most enables and underlies long-term change in abusive practices within and across states, that may shift the fabric of possibilities from which responses to specific patterns of injury emerge, and so itself may contribute to the glacial movements of our political, economic and cultural arrangements. There is certainly significant scope for such work. Many societies are marked by similar and recurrent patterns of grave abuse, for example, relating to indigenous peoples, to ethnic or religious minorities, to women, or to prisons, police, labour conditions, to people displaced through industrialisation, refugees, and so on. These repeated sites of injury can be amenable to more cooperative, multi-levelled, enmeshed and tactical ways of working with rights. While such an approach is hardly novel, it could become more the heart of an international human rights practice. Although highly sensitive (how many governments are happy to reveal the state of their prisons or the practices of their police forces?) such ventures need not be so persistently structured by the dynamics of contending sovereignties. Nor need this be essentially 'welfare' work that avoids the 'hard' questions. It is rather to seek the hard questions of the production and distributions of power in and through the mechanisms of actual working and living arrangements – our own and others' – to recognise patterns of abuse and to support or strengthen those means for questioning or resisting violence, humiliation and marginalisation that are to hand, not as a transmission from those who 'have' to those who 'have not' but as an exchange on what are often common problems.

Such an approach could not deal directly with some crucial forms or occasions of rights violations – it is not equipped for the outburst of extensive slaughter in Rwanda, Kosovo, East Timor, even Tiananmen. As with other approaches to rights, it is not an answer that wipes away the problem of abuse. But while

often identified with the moment of greatest violence, rights violations are embedded in a complex tissue of relationships and circumstances. While the explosion of violence calls forth a necessarily very narrow range of responses, the capacity for political and social change rests more with the formal and informal institutional frameworks and potentials that pattern all levels of collective life. To return to the example of Tiananmen, a more extensive and denser history of international engagement across many levels of institutional life in China could have shifted somewhat the context of that particular confrontation, both within China and internationally.

Such an approach would require a greater commitment of resources to the pursuit of human rights than is the norm. But it points to what is both a workable alternative and complement to the present narrow focus on either half-hearted and inconsistent confrontation of governments or standard setting, when that is not underpinned by substantial work at the site of abuse. Closer engagement with specific communities, institutions and practices could provide a localised *as well as* a more general vocabulary in which human rights practices came to be meaningful. For those governed by a violent rule, it could provide a more informed and organised basis upon which to resist the coercive exercise of power and an effective connection with a wider range of interested international bodies. It could reduce the chances of destructive and careless choices, such as were taken by a number of governments in regard to East Tim- or in 1975, as well as to Beijing in 1989. Perhaps it could provide a more seasoned practical and conceptual underpinning to the international rights debates and measures that now circulate at somewhat ethereal levels of government and international agency and are so easily enmired in versions of us versus them.

The ideas, norms and practices that underpin understandings of rights and of abuse are situated within a shifting construction of community and person – established not only by legal requirement but within a climate of political and economic relationships and of what we think, at the least, we owe one another. In some respects this matrix of expectations and relationships can change surprisingly rapidly on different fronts. In China, for example, as Ann Kent (1993) makes clear, the popular expectation of fundamental material security – people's right to subsistence – has been undermined in the process of economic modernisation with significant and complex implications for people's relationship with each other and to the government. In the English-speaking world, the norms that balanced company profitability and employment, suggesting when companies had a 'right' to lay off competent workers or when workers had a 'right' to continued employment, have shifted considerably, again with extensive ramifications for social organisation. Progress on land rights, but also the accumulation of stories of separation, loss, injury and survival – voices bearing the effects of decades of the administration of Aboriginal people – have shifted

the exchange between settler and Aboriginal Australians. Within western societies the location of human rights so assertively in a figure of the individual, with society as a neutral form around the content of individual choice rather than a densely constructed field of possibility, has marked deeply many domestic human rights controversies, and has arguably limited our capacity for response.

Ideas and practices of human rights raise the question of what we value in political community and interaction; indeed they are a way of asking that question. This is not a reference to an ideal speech moment, nor is it simply diplomatic exchange between government elites and the powerful asserting their role as spokespersons of their culture. Rather it could be imagined as one part of a vast, complex and immensely difficult 'conversation', within each life, with each other, with our pasts, about how we live our collective lives – a conversation articulated with action, resistances and structures as well as words, and across many dimensions of our own and others' societies. To emphasise human rights as a form of question is to recognise that our understanding of the human and of community is limited, (indeed our official grasp of these categories is narrow and rigid) historically grounded and shifting. Or, to put it more positively, it is to realise that these fundamental categories by which we are so deeply shaped remain open-ended and exploratory. One value of this orientation is receptivity to the experience and lives of others. Answers to the questions raised in such a 'conversation' are not given or final, but made, well or badly and again and again, in the institutions and practical values of our common life.

NOTES

1   'What is the language of human rights – there is no one language. No one language can encapsulate these questions. We have some language for legal rights, less for rights as social beings, almost none for rights as spiritual beings' (Smitu Kothari, Indian human rights activist and commentator, in conversation, Melbourne, 1995).
2   There are exceptions to this. For example, some NGOs endeavour to use precisely this approach, working together with particular governments or institutions on, for example, prison reform.

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