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State and Society in the Violation and Promotion of Human Rights

Interview with Professor Rhoda E. Howard-Hassmann
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You've discussed instances where state policies are the primary cause of human rights violations. You've termed state food crimes as a "type of government-promoted human rights violation." Would you explain what state food crime means and provide some examples?

State food crimes are crimes by states that intentionally, recklessly, by incompetence or by indifference, deprive their citizens or others under their authority of food (Marcus, 2003). These four categories are not discrete, however. Moreover, intention is hard to prove, as opposed to recklessness, incompetence, and indifference. Therefore, it is very difficult, but not impossible, to prosecute an individual leader for intentionally depriving their citizenry of food.

The four cases I discussed in *State Food Crimes* (2016) were North Korea, Zimbabwe, Venezuela, and Israel in the West Bank and Gaza. North Korean citizens were starving in the 1990s and 2000s as a result of both intentional and reckless state policies. Malnutrition and some starvation continue to the present day. This starvation was the result of deliberate state policies that prohibited a national private market in food, prohibited importation of food, wasted national resources on a nuclear weapons program, and prohibited any free expression of people's opinions and concerns. What I call penal starvation also occurred in North Korea's vast network of concentration camps.

Intentional and reckless "nationalization" of white-owned productive land in Zimbabwe from 2000 until President Mugabe's resignation in 2017 resulted in under-production of food, as well as mass unemployment of agricultural workers. This was compounded by the decisions to give

formerly productive white-owned farms to Mugabe's relatives and cronies. Indifference to the suffering of the masses, prohibition of citizens' rights to protest, and manipulation of elections compounded the problem.

A similar scenario occurred in Venezuela. President Hugo Chavez (1999–2013) instituted policies that President Nicolas Maduro (2013–present) has intensified. Both leaders confiscated productive farms. They instituted and maintained price controls that reduced the food supply, because producers who could not charge the full cost of their production withdrew from the market. They also plundered the earning and assets of the state-owned oil firm in order to import the food that Venezuela had previously been able to produce. Corruption was rampant, the state manipulated the mass media and elections, and protestors were arrested and sometimes tortured. By 2021, over five and a half million people had fled (United Nations High Commissioner for Refugees, 2022).

The situation in the West Bank and Gaza was somewhat different. There was no mass starvation, but Israeli policies such as permitting Jewish settlers in the West Bank to acquire land previously owned by Palestinian farmers reduced the food supply. This policy violated international humanitarian law, which forbids transfers of population into conquered territory. Israel also built a wall that cut off some Palestinian farmers from their land. The International Court of Justice ruled this wall illegal, as part of it was built in the West Bank itself, not in Israel proper. Israel also imposed controls on how much food could cross the border from Israel to the West Bank and Gaza. Periodic blockades by both Israel and Egypt (of Gaza) worsened the situation. The result was high rates of malnutrition in the West Bank and Gaza.

Freedom of speech, press and assembly are necessary so that citizens can voice their concerns about the lack of food.

One thing that all these cases demonstrated is that civil and political rights are key to the right to food. Freedom of speech, press and assembly are necessary so that citizens can voice their concerns about the lack of food.

Another instance of state action is manipulating citizenship policies and laws. How widespread has this been and what have been/are the impacts?

Some countries grant citizenship by virtue of *jus soli*; that is, by virtue of birth within a country's territories. Some are also relatively generous in granting citizenship by naturalization. Others rely on *jus sanguinis*, or the right of citizenship by "blood" or ancestry. This can create problems, for example, if you are born in a country that does not grant citizenship by place of birth, but your parents are citizens of another country that will not grant you citizenship unless you are actually born there.

These rules disproportionately affect women and children. For example, there are still some countries where women must give up their original citizenship and take their husband's citizenship if it differs from their own. Then if they divorce, they may be rendered stateless if they can no longer retain their husband's citizenship. This can also affect their children.

On the other hand, there is also "sticky citizenship" (Macklin, 2015). Under international law, no country may deprive an individual of citizenship if it leaves that person stateless. However, there have been cases, as in the UK, where the courts have decreed that mere eligibility for citizenship elsewhere means the government can deprive an individual of citizenship.

The United Nations High Commissioner for Refugees (UNHCR) estimates that there are at least ten million stateless people in the world

as a result of the kinds of policies I describe above (United Nations High Commissioner for Refugees, 2023). Sometimes, deprivation of citizenship is a precursor to genocide, when states decide to deprive entire categories of people of citizenship. In 1935, the Nazis deprived all German Jews of citizenship; in 1982, Myanmar deprived the Muslim Rohingya community of citizenship.

There is also *de facto* statelessness. In 2010, the Dominican Republic deprived residents of Haitian descent of citizenship if their ancestors had arrived in the DR after 1929, claiming they were still Haitian citizens. But many of these individuals had no family in Haiti and no resources to live there (Belton, 2017).

In general, citizens of wealthy, developed, democratic countries have won the "birthright lottery" (Shachar, 2009). Although most people in Canada and the US don't realize it, their citizenship is their single most valuable possession. Not only does it grant them the right to live in a prosperous democracy, but it grants them the right to move relatively freely around the rest of the world.

Your book, *Can Globalization Promote Human Rights?*, analyzes the question presented and provides positive and negative reflections to help answer it. Much has happened concerning globalization since its publication in 2010. How would you address the question presented by the title of the book now?

In my book, I presented both positive and negative scenarios for the interaction of globalization and human rights. Looking at the economic side of globalization, I concluded that global free trade was good for human rights, whereas policies of international financial institutions, and the international financial network as a whole, appeared to have negative repercussions for human rights. I also considered the question of absolute incomes versus relative inequality and concluded that although inequality within (but not between) states was widening, there was a considerable reduction worldwide in absolute poverty since about 1980.

In 2010, growth in what was then known as emerging economies (Brazil, Russia, India, China, South Africa) seemed likely to reduce poverty

and inequality, but since then, growth in these states has slowed down. Inequality within states has contributed to severe social and political problems (Hill, 2021) even though inequalities between states have lessened in the last twenty years (Chancel et al., 2022, p. 11).

Another problem is the re-emergence of protectionism. Part of this is the result of claims by populist politicians that foreign countries are “stealing” jobs, such as former President Trump’s accusations against China, or indeed, President Biden’s hope to keep jobs in America for Americans. Since February 2022, Russia’s invasion of Ukraine has caused a new focus on protectionism in countries whose economies are negatively affected by the war.

If I were rewriting this book today, I would devote more space to the downsides of globalization, such as international criminal networks, and (as a subset of such crime) the increased possibilities of corrupt appropriation of state assets provided by the international financial system. I would devote more space to global capacities for surveillance. And I would write more on international migratory flows as a consequence of poverty, wars, and climate change.

Finally, although I did include a chapter on the resurgence of religion and nationalism, I would devote more attention to the politics of resentment, especially resentment of “the West,” not only for its economic and political strength but also for its promotion of what some states or societies view as non-traditional, non-indigenous rights such as LGBTQ+ rights. Much of this resentment, however, is created by the political elites of some states in order to stir up hostility to perceived “enemy” countries, such as Russia’s obsession with LGBTQ+ rights as a way of distracting the population from more serious problems such as poverty.

I stand by my analysis of the positive effect of globalized social movements, such as the international feminist, Indigenous, and environmental movements. I did not anticipate that social media would result in globalized racist and proto-fascist social movements, however, nor that it would result in the globalized capacity of foreign countries to intervene in the domestic affairs of sovereign states.

Events since 2010 thus suggest that the beneficial aspects of globalization have been outweighed by the detrimental aspects of protectionism, nationalism, racism and homophobia, and authoritarianism. The negative scenario I proposed in my book seems a better descriptor of the world in 2023 than the positive scenario.

Some people now argue that the 1948 Universal Declaration of Human Rights is a colonial document. How do you answer that charge?

This is now a common perception among members of the cultural left. It is wrong.

The UDHR is the first of many human rights documents produced by the United Nations. Representatives of 56 states took part in the discussions that resulted in its texts. These included almost all the independent states in Asia, the Middle East, and Africa; the Soviet Union and its satellite countries; and all Latin American countries, as well as the wealthy North Atlantic countries. For example, female representatives from India and the Dominican Republic were influential in ensuring that women’s equality rights were protected in the Declaration. The biggest geographical block left out of these discussions was sub-Saharan Africa, which was almost entirely under colonial rule until about 1960 (and some countries such as Mozambique and Angola until 1975). Indigenous people were not represented at these discussions as they did not—then as now—have their own states.

The Canadian legal scholar, John Humphrey, wrote the first draft of the Declaration after surveying the Constitutions of all independent states. This is one reason why economic, social, and cultural rights such as the rights to health care, education, housing, food, and an adequate standard of living are included in the UDHR, as they were included in both Soviet Bloc and Latin American constitutions. The other is that these countries insisted on inclusion of social and economic rights even when North Atlantic countries resisted them (Morsink, 2022; Sikkink, 2017, pp. 55-93).

The actual colonial powers (Britain, France, the Netherlands, Spain, and Portugal) opposed extension of human rights to all the people of the world, wanting to put colonial subjects under a sort of trusteeship instead. They were opposed by the Soviet Bloc and Latin America. They also had to concede that human rights were universal because of pressure from anti-colonial actors from places such as sub-Saharan Africa (Burke, 2010).

Most of the substantial corpus of human rights Declarations and Covenants (treaties) were written after almost all colonies had become independent. These include the two general Covenants on Civil/Political and on Economic, Social, and Cultural Rights, dating from 1966 but coming into force in 1976 after enough countries had signed on. They also include the International Convention on the Elimination of All Forms of Racial Discrimination (1969); the Convention on the Elimination of All Forms of Discrimination Against Women (1981); the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1987); the Convention on the Rights of the Child (1990); the Convention on the Rights of Persons with Disabilities (2008), and many other documents. Almost every country in the world was involved in formulating these documents, and almost every country in the world supports them, if often more in principle than in fact.

Thus, it is simply untrue to say that either the 1948 Universal Declaration of Human Rights, or the entire elaborate international human rights regime as it exists in 2023, is colonial.

Would you briefly discuss achieving human rights in a democratic state versus the possibility of doing so in an undemocratic state?

It is impossible to achieve the full range of human rights in an undemocratic state.

There is no non-democratic state that protects human rights as rights. Any non-democratic state that claims it protects human rights is confusing state benevolence with rights. Unless citizens can openly claim their rights, criticize their governments, and if necessary overturn them in elections for not protecting or fulfilling those rights, any positive “human rights” aspects of their lives are a result of ephemeral state choice rather

than actual state duty. In this respect, the Universal Declaration of Human Rights “fudges” in Article 21(3), where it does not prescribe competitive multi-party elections, instead merely stating the need for elections. This opened the door to legitimize one-party states.

Aside from political democracy, there are other structural requirements for a rights-protective state (Howard-Hassmann, 2018, pp. 49–71). One is the existence of a regulated market economy based on private property. No state that has abolished private property protects human rights. But private property does not mean unregulated acquisition of property by any means possible.

By a regulated economy, I mean one in which monopolistic and oligopolistic control of the economy is prohibited; in which excessively high profits and incomes are taxed away by the state; in which safety and environmental regulations are protected; in which all citizens have equal economic opportunity; and in which labor rights are fully protected.

A rights-protective state also requires a functioning government and a competent state bureaucracy. Political order, protected by a functioning government that controls its entire territory, is an underlying condition for any democracy. A competent state bureaucracy requires that personnel not only be educated but also be adequately paid, so that they do not need to rely on corruption or bribes to support themselves and their families. An independent judiciary is also a prerequisite for a rights-protective state, but only if its personnel believe in and are willing to implement human rights, even when the laws of the country undermine them.

This does not mean that citizens should wait until all these structural prerequisites are in place before demanding their human rights. Rather, rights evolve in a spiraling process, with the various rights claims and state responses interacting with one another. It is especially important to note that civil and political rights and economic, social, and cultural rights are interdependent. It is difficult for people to be active citizens if they are mired in poverty or subjected to chronic and debilitating poor health. Citizens lacking education may not have the required tools to make informed political decisions.

Thus, the only type of state that is fully protective of human rights is a social democracy. Social democracy is a variant of liberalism that views the social provision of economic security as an inherent part of respect for the individual. It is characterized by an activist state that tries to provide basic social rights, protect citizens against market forces, and reduce inequality, at the same time as it protects basic civil and political rights, private property, and a market economy.

Nevertheless, if I had to choose one, and only one, human right, it would be the right to freedom of expression. This means not only free speech and a free press, but also the ability to criticize one's rulers without fear of arrest, torture, imprisonment, or execution. It also means freedom of assembly, so that citizens can assemble without fear to discuss or protest state policies. We see how important this right is when we see how many journalists and activists are murdered by various states every year.

Some critics argue that to focus on freedom of speech is to focus on a political right at the expense of economic, social, and cultural rights that might be more relevant to people in the Global South. One of the most basic economic rights is the right to food. But in both my earlier (Howard, 1982; Howard, 1986) and my later work (Howard-Hassmann, 2016), I show that without the right to freedom of expression, there is no right to food. People can't criticize policies that deprive them of food. The best they can do is hope that their government is benevolent enough not to deprive them of their own ability to cultivate their own food, and to distribute food when necessary. Again, this shows the interaction and interdependence of all human rights, in both developed and less-developed societies.

Rhoda E. Howard-Hassmann is Professor Emeritus of Political Science at Wilfrid Laurier University, Canada, where from 2003 to 2016 she held the Canada Research Chair in International Human Rights. From 1976 to 2003 she was a member of the Department of Sociology at McMaster University, Canada. She has won several academic awards for her work on international human rights, and has been a Fellow of the Royal Society of Canada since 1993. She is the author of eight books, among which most recently are *In Defense of International Human Rights* (2018), *State Food Crimes* (2016) and *Can Globalization Promote Human Rights?* (2010). She is also co-editor of another four books, among which most recently is *The Human Right to Citizenship* (2015).

