

The Tyranny of Rights

Brewster Kneen

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review by GRAIN

For several years now, GRAIN has been concerned by the emergence of a cruel paradox: as those struggling for justice and dignity turn more and more to concepts of peoples' rights to defend against corporate control, the very concept of rights is being used to impose and expand neoliberalism. In the October 2007 issue of *Seedling*, GRAIN invited a group of people around the world to reflect on their concepts of rights and how they affect people's lives and welfare. While the overall view was that the evolution of rights regimes has been harmful to communities and that struggles for rights have, in general, not yielded a positive balance, no clear picture emerged as to the way forward. Whereas some people were highly sceptical about the prospects of continuing to walk along the old road of appealing to governmental and state processes, others felt that it was possible to reform the formal rights systems. For GRAIN, it was evident that the key issues – the link between rights and responsibilities, the precise nature of collective rights, the multiple links between the effective exercise of rights and the concrete conditions of everyday life, and others – needed much more discussion.

In his latest book, *The Tyranny of Rights*, Brewster Kneen makes his contribution to this important discussion. Through years of engagement with social movements, as an activist and researcher, and his many conversations with people everywhere, Kneen has become increasingly convinced that the expansion of the use of the "rights" discourse, by both activists and corporations, is a central problem facing global struggles for social justice. In this book, he explains why.

Kneen's entry point in talking about rights is food – and for good reason. Over the years the term "rights" has assumed a more and more prominent place on the agricultural landscape. The most glaring example is of corporations

now claiming property rights over seeds and strands of plant DNA. The age-old and open systems of sharing and cooperation that characterise both farmers' seed systems and public plant breeding have been largely destroyed to make way for a corporate seed system that criminalises such practices in order to protect the "intellectual property rights" of corporations. One response to this attack has been to call for rights to be given to farmers.

Kneen has worked closely with many people and groups that support or have supported the concept of farmers' rights. He probably once argued for them himself. But after a decade or so of getting nowhere with the concept, Kneen feels that it is time to question whether we are on the right path. As he now sees it, such "reactive claims" for rights are never going to work because they are, necessarily, appeals to states that are interested in protecting corporations not farmers. Plus, if you get right down to it, why should farmers all of a sudden need the state to protect their seed saving? Corporations need the state to stop farmers saving seeds, but farmers have never needed the state to help them to save seeds.

As Kneen points out, "Without the state there would be no Plant Breeders' Rights, no copyrights and no patents. Farmers who select and save their own seeds neither have nor require such state 'protection' to go about their work."

The problem, for Kneen, is not a lack of rights. Farmers' rights are a distraction that takes us away from the urgent matter of abolishing patents over seeds and re-establishing the conditions for farmers to save seeds.

Kneen takes this same line of thinking into his discussion of the "right to food" – another rights claim emerging from the deep social inequities of the current food system. He likens it to an empty bowl: an abstract concept that avoids a clear political agenda for action. Like farmers' rights, it is an appeal to the state when

what we need are concrete plans on how to feed ourselves.

"A direct moral appeal to the public for the construction of an equitable and ecological food system", he writes, "might, actually, be more politically effective and morally satisfying – though much harder – than appealing to governments for the right to food. Such a direct, public approach is captured by the term 'food sovereignty' which has rapidly gained usage around the world."

Kneen goes on to explore how the rights framework feeds into a more generalised expansion of rights claims, which is clearly favouring corporations and the powerful. The global push for intellectual property rights, for example, is strangling our capacity for collective work and creativity, whether we be farmers, writers, musicians or software developers, and turning everything into commodities. Moreover, Kneen warns that the rights language provides a slippery slope towards military intervention. In a late chapter, he describes how rights, in this case the "right to intervene", are being invoked to justify military invasions. He does not dispute that human rights violations are going on and need to be stopped, but for him the "right to intervene" creates a loose framework that is easily manipulated to serve power, overriding the long-standing notion of state sovereignty in the process.

All in all, the book is very effective in pointing at and illustrating the many weaknesses in the current discourse and use of the concept of rights. It clearly shows how the concept of rights is currently being used to justify the unjustifiable (such as the privatisation of life, water, air, and so on) and promote some sort of extreme individualism. It also provides some interesting and thought-provoking insights on how culturally determined the concept of rights is.

Kneen follows this line of critique to conclude that all fights for rights, whether they be for the right to food,



water or seeds, ultimately support a narrow Western framework of human rights that is part and parcel of today's globalised capitalism. For Kneen, the rights language inevitably privileges the individual over the collective and leads us away from other notions, such as responsibility and gratitude, which are central to many non-Western societies and which provide, in his view, a better footing for social transformation.

My conclusion is that social and individual justice is not furthered by the language of rights. Justice would be much better served not by making claims and demands, but by stating what is being done and what must be done by those that otherwise might be making a claim for the right to do something. ... It is time to consider whether the language of rights actually serves the intents of social justice or has become just an illusion of intent – good intent, to be sure – behind which individualisation and privatisation are carried on unimpeded.

This is a very strong statement that is sure to elicit equally strong reactions

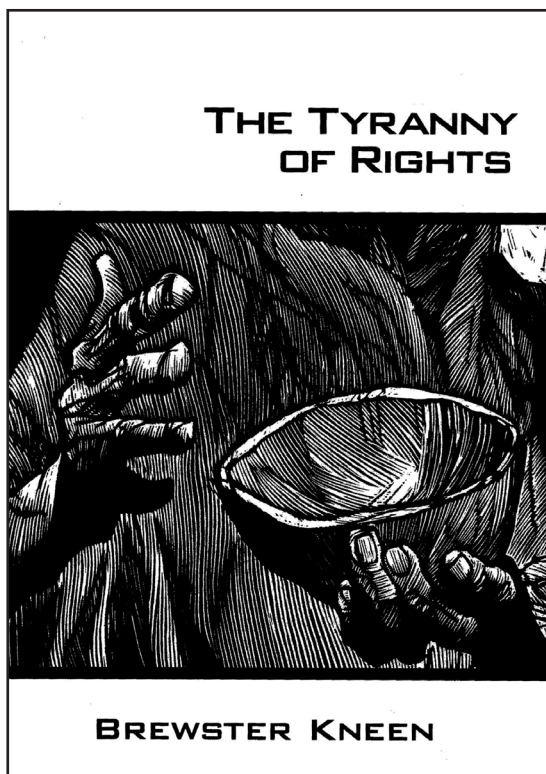
from many who have been involved in struggles for rights that also seek to challenge the Western individualism and state and corporate power that Kneen decries. It is unfortunate, therefore, that he does not look more carefully and closely at the difference in the social processes and struggles around rights. It is in part because he does not take sufficiently into account the sometimes radical differences between these processes and struggles that he is able to conclude that all such processes are fundamentally infiltrated by, and hence doomed by, individualism and the conception that rights are granted by the state or some other power.

Historically, the struggles for social rights in some regions of the world were so far from individualism that they were even understood as a step towards ending privileges and classes, and in many ways were based upon limiting personal "rights" (such as the right to property). Also, most of those struggles did not and still do not ask the state to grant rights, but demanded and demand their recognition and respect (which includes guaranteeing the necessary conditions for their implementation).

This limitation in Kneen's critique is compounded by a lack of analysis of how political, social and cultural contexts have evolved. Movements, struggles, power relations, concepts, ideologies, forms of repression and control have changed dramatically over the last hundred years, but that evolution is seldom analysed. The aberrations currently imposed on behalf of purported rights are not taking place just because we have all lost clarity of mind; they are taking place because those that are imposing them have – by many different means – been able to concentrate power to an extreme. If we have lost clarity of mind, it is not out of some sort of intellectual laziness that has overcome us; it is due to a global suppression of political debate and deliberation after generalised fear and insecurity (provoked by dictatorships, unemployment, sudden poverty, "soft" repression, and so on) were installed by neoliberalism and used to instil messianic, non-critical thinking.

The lack of contextual analysis deprives Kneen's critique of what could have been some of its sharpest contributions. A more detailed and careful look at the evolution of the historical, cultural and social contexts could have not only rescued many of the undeniable contributions of so many struggles for rights, but could have also shed some light on why so many current struggles are going nowhere or going terribly wrong. For instance, a historical analysis of the increasing distance between those that define rights and those that bear the implications of those definitions could help to explain the failure (or perversion) of one international convention after another, one law after another, and could also help us to understand some of the most meaningful contributions of the struggles of indigenous peoples for self-determination.

Brewster Kneen has launched this book as a contribution to a discussion. As the conversation continues, and more contextual analysis is brought in, his book will make an even stronger contribution to the building of sharper views and approaches on how to strive effectively for the collective dignity, justice, respect, peace, solidarity, responsibility and so many other ideals that we have wrapped up (perhaps wrongly) in the name of social and collective rights.



To obtain a copy of *The Tyranny of Rights*, go to <http://www.ramshorn.ca/node/180>

