CHAPTER ONE

Moral Dimensions of Human Rights

Many contemporary social and political theorists are feeling their way towards a moral framework for some amalgamation of liberal capitalism and social democracy suited to our current conditions. These conditions include the comparative success of free market capitalism as opposed to statist socialism, the serious injustices and unacceptable inequalities that liberal capitalism generates along the way, lack of effective accountability for bureaucracies, and the endemic corporate iniquities and regulatory failures that disfigure business practice, on any account of its legitimacy.¹

The evolving context in which these conditions flourish, loosely referred to as globalisation, involves the increasing economic and political dominance of world markets, largely skewed to the benefit of the wealthier states and trading groups, the hesitant emergence of global regulation² and the diffuse and limited scope of political power under diminishing democratic effectiveness.³

Amidst this morally ambivalent scene, human rights appear as something of a beacon.⁴ Human rights have come to represent the moral dimension of globalisation: the affirmation of universal standards to which we can look for guidance for the humanisation of capitalism, the revitalisation of democratic control and the protection of the values that give meaning and importance to human life. More particularly, in their affirmation of the equal worth and supreme value of every human being, human rights set the parameters and goals for any legitimate human organisation. It therefore seems appropriate to see human rights as a source of ideas for determining the normative ordering of global capitalism and its governmental structures.⁵

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In playing this role, human rights have the advantage of universality and hence global applicability.\(^6\) Human rights apply to all societies and to all people. They cannot be excluded from any sphere of human life, including the economic world of production, services and markets. We cannot say, for instance, that human rights have to do with politics, or policing, or administration, but not with economics, or business or religion. Moreover, human rights have, by common acceptance, high if not overriding moral importance, so that, once admitted to these spheres, they cannot be relegated to the status of optional extras, things that it is nice to take into account when and if we have the time and resources to do so.\(^7\) Human rights are not only universal, and therefore intrusive, they are also morally imperious, and therefore unignorable.

Further, human rights now have formal and institutional expression, through the ‘international bill of rights’, as constituted by the Universal Declaration of Human Rights (1948), The Covenant on Civil and Political Rights (1976) and the Covenant on Economic, Social and Cultural Rights (1976), through domestic legislation (such as anti-discrimination and equal opportunity laws), and increasingly often through constitutional provision for the judicial review of legislation.\(^8\) These positive human rights norms are supported by a host of international agreements and organisations and enjoy broadly based ideological support in most countries. Human rights can now be said to have a tangible, palpable existence, which gives them a social objectivity in an institutional facticity that enhances their de facto credibility. Human rights can no longer be said to represent only the opinions of moral campaigners and utopian academics. They can be seen as embodying the transnational commitments of civilised nations. Human rights have thus acquired a global institutionalised authority on which we can draw to work out the moral obligations of all actors, be they individuals or organisations.

Before we get carried away by this exhilarating scenario, there are several factors that must be borne in mind when we come to examine in detail the applicability of human rights to organisations, factors that count against the easy application of existing human rights discourse to non-state organisational activities. Some of these factors derive from the political contexts from which human rights have emerged and to which they are characteristically applied. The state-centred origins of human rights affects their accepted content (cataloguing the abuses of government power), and their standard forms (individual protection against the intrusive acts of governments). In short, human rights as we know them are largely statist in their focus.


\(^7\) ‘Overridingness’ is variously attributed to justice and to human rights, although the latter are inevitably included in the former: see John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1972), Chapter 1.