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MEDIA AND THE CULTURAL POLITICS OF HUMAN RIGHTS

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It is through the media that most people learn what human rights are today: whether it's a matter of deploring 'distant suffering' or the human rights violations of our own states. At the same time, we also learn how human rights are, or should be, effective. And this understanding is closely tied up with judgements about their legitimacy: who is or should be entitled to rights, how and where should they be exercised, and who is to decide?

Whether or not it's actually true, those directly involved in public affairs suppose that the media is crucial to their cause. As well as websites that document violations and mobilise campaigns, all human rights organisations of any size and influence have press officers who try to get their point of view into the mainstream media. Interestingly, this is also true of the judicial branch of the state: the new Supreme

Court of the UK, for example, follows other courts around the world in having a communications officer permanently employed to disseminate information about cases and judgements. And of course governments and political parties have, for many years now, been heavily criticised for employing media experts to 'spin' stories in the media, to create a favourable impression and to hide unpopular activities or mistakes. In part all this media activity is directed at enhancing the reputation, creating or consolidating authority, and sometimes increasing the revenue of the actors involved in human rights cases (whether as individuals who are advancing in their careers, as in the case of judges, or directly for organisations, in the case of NGOs and political parties). On the other hand, it is also directed at creating consensus on particular definitions of entitlements and how they are to be exercised.

When we think of human rights today we tend to think of legal rights. This way of thinking is tied up with the success of the legalization of international human rights norms after the Second World War and especially since the end of the Cold War. The legalization of human rights is still limited in many ways, and it is heavily criticised as a kind of Western 'victors' justice' as largely concerned with civil rights (not social and economic rights), as based on professional viewpoints that limit the participation of ordinary people, and as providing legitimacy for a new wave of imperialism through 'humanitarian interventions'. But the project of peacefully expanding human rights through the campaigns of civil society organisations is extraordinarily difficult. Perhaps the most fundamental difficulty is that, while it is state actors who are largely responsible for violating human rights, far from undermining national states, globalizing human rights requires that they should be strengthened, since it is also only through states that human rights can be ensured. It is one thing for state actors to pay lip service to the legitimacy of human rights norms when there is no means of enforcing them internationally. But actually

observing the letter of international conventions is quite different. Given what we might call 'the multiple paradoxes of states of human rights' - the way self-determining national states must take on the responsibility for implementing and administering international human rights law against themselves - the project of extending human rights globally through the legalization of human rights norms is inevitably highly politicised.

The most obvious, and perhaps the most important role played by the media in the politics of defining human rights is in making violations visible. Human rights violations tend to be committed in secret, as far as possible. In this respect, there has been much excitement over the way the internet escapes censorship, enabling bloggers to send information out from situations of oppression – whether on their own behalf or that of others. Digital cameras that provide incontrovertible evidence of human rights abuses that can be virtually instantaneously circulated round the world, another innovation that opens up secret activities to scrutiny. The scandalous, and now horribly familiar, photos from Abu Ghraib, the messages and film footage that reached the world from the victims of repression by the Burmese authorities in 2007 and the Iranian authorities after the elections in 2009, the growing pressure on European and North American governments to come clean on 'extraordinary renditions' – these are all examples of human rights violations that have been made visible through the use of new media technologies, soon after or even as they happened. Authorities can no longer expect to get away with torturing, murdering and frightening people without being confronted with the evidence of what they are doing, in digital media that is very widely available, if not always in court.

On the other hand, making violations visible is just one aspect of the cultural politics of human rights that takes place in the media. We should not mistake information for

knowledge: even where there can be no reasonable doubt of the facts there are invariably differing interpretations of the events and of the relevance and value of human rights in any particular case. This is especially a difficulty for the circulation of images and arguments on the internet. Although in principle what is posted on the web can reach anyone with a computer and a modem wherever they are in the world (which is itself limited by the 'digital divide' between educated town-dwellers and rural poor), in fact blogs, photos and film footage tend to reach those who are already convinced by certain assumptions and arguments, even before they read the text or see the images. Far from forming a global public sphere in which rigorous debate over facts and values takes place, the internet tends to be made up of 'cyber-bubbles' in which contributions come from like-minded people. As most of us can testify from personal experience, where there is disagreement on websites it tends to be communicated by insults rather than by engaging in discussion.

It is in the mainstream media – TV, newspapers, radio – that discussion over human rights takes place across a wide range of different political positions. This is not to say that such discussion is rational. On occasion 'mediated publics' are formed by high-profile human rights issues in which there is discussion across all media over a long period of time, different political positions are staked out and argument is engaged, using satire, personal attacks on opponents, and sentimental stories as well as the rehearsal of evidence designed to win hearts and minds. In *The Cultural Politics of Human Rights* I studied a number of such human rights 'affairs', including that of Pinochet and of Guantanamo Bay (Cambridge University Press 2009). In such cases the media is not just one of the main sites in which arguments for and against human rights are rehearsed. It is through the media that actors involved in extending or restricting the legalization of human rights try to gain consent for their projects.

Such wide-ranging and far-reaching discussions are, however, invariably marked by the way the mainstream media is structured by 'banal nationalism'. It is very far from a free and open space within which human rights are debated. Journalistic assessments of what counts as news and how it is to be conveyed are very important. Despite the proliferation of increasingly interactive media and competition for nation-wide audiences as a result of digitalisation and de-regulation, there is still a hierarchy of news values within mainstream media in which it is routinely assumed (as we see perhaps most graphically in weather maps) that the limits of the political community are those of the territorial state. For those trying to gain consent for universal human rights that concern non-citizens as well as citizens within state territory, not to mention for people who live elsewhere altogether, the 'banal nationalism' of the mainstream media is a problem.

The most highly valued news stories in the mainstream media concern the situation and interests of citizens. In human rights 'affairs', these interests are quite often pitted against those legally entitled to claim human rights. Here we can think, for example, of the regular scandals over 'bogus' asylum-seekers, or the dangers of terrorist suspects who can not be deported because of European human rights law. 'Banal nationalism' also enters into the construction of news from abroad. This is evident in the focus on the fate of fellow nationals whenever there is a story of a natural or political disaster: will they be able to leave? What should the government do to help? Most extreme in this respect is news of soldiers killed in Iraq and Afghanistan, who are regularly mourned in the UK and US media, celebrated by their comrades and families, when the vast majority of those killed in these wars, civilians, are represented only by rough figures and the name of towns on maps of far away countries. Indeed, even when there is active campaigning and genuine public

outrage at the deprived conditions in which some people in the world are forced to live, news stories and visual representations tend to take the perspective of those who are 'like us'. The use of celebrities by the UN and NGOs to draw attention to poverty, political disasters and natural catastrophes is exemplary here: it is the celebrity that makes the news story; often those who have first-hand knowledge of their own situations are not even permitted to speak, shown rather as helpless victims in need of Western aid. Detailed analysis of the way in which Western governments may well have been implicated in creating the conditions in which people live in the first place is confined to articles in 'quality' newspapers and in-depth broadcasts: the general assumption is that most people in the world are passive and hopeless, deserving of pity, possibly of help, but otherwise not 'like us'.

International human rights are increasingly legalized: made more precise, detailed and binding on state actors. The most striking feature in this respect is the way conflicts over human rights are increasingly judged in courts of law, national and international. Human rights are also becoming more prominent in Inter-Governmental Organisations; even the World Trade Organisation, which is outside the UN system, has come under pressure to consider how the rules of international trade conform to or over-ride human rights considerations. Although there has long been social movement mobilisation across borders, the transnational NGO networks involved in putting pressure on IGOs are quite simply unimaginable without contemporary digital media – the internet, video-conferencing, but also the mobile phone and the laptop. Nevertheless, the cultural politics of human rights in the mainstream media remain vital. The 'multiple paradoxes of states of human rights' mean that simply conforming to international human rights law, far less extending it to deal with globally structured causes of poverty and violence, will necessarily require politicians and judges to make difficult decisions. In a world in which the interests

and identities of citizens come into conflict with the rights of humans who are not citizens, whether within national territories or elsewhere in the world, and where the media constructs the vast majority of humanity as 'Other' on a routine basis, decisions made according to universal principles of human rights for each and every individual will inevitably be comparatively rare.

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