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Michael Goodhart

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Revisiting interdependence in times and terms of crisis

Michael Goodhart

University of Pittsburgh

ABSTRACT

Scholars and lawyers have long debated the meaning of the interdependence of human rights. Revisiting that question in the context of the COVID-19 pandemic demonstrates both that the substantive enjoyment of many human rights is *practically* interdependent and that that relationship is neither logically nor functionally *necessary*, as much of the literature imagines. This article introduces the idea of *negative interdependence*, a term that highlights how crises can trigger chain reactions of rights violations and deprivations that disproportionately affect oppressed and vulnerable people. It argues that negative interdependence provides a crucial analytical and critical framework for the political project of securing the equal enjoyment of human rights for everyone.

The right to health is closely related to and dependent upon the realization of other human rights, as contained in the International Bill of Rights, including the rights to food, housing, work, education, human dignity, life, non-discrimination, equality, the prohibition against torture, privacy, access to information, and the freedoms of association, assembly and movement. These and other rights and freedoms address integral components of the right to health. (UN Office of the High Commissioner for Human Rights 2000: [3])

Rights in crisis

In recent months, governments around the world have imposed varying restrictions on social and economic activity to slow the spread of the SARS-CoV-2 virus that causes COVID-19, and sometimes for more nefarious reasons as well (Gupta 2020). As the pandemic rages, the multidimensional crisis triggered by the disease and by governmental responses to it has led to widespread and systematic human rights deprivations and violations.

Frequently, these lapses are not isolated: Rather than a single boulder falling from a cliff face, the process resembles the erosion or collapse of a hillside. In the United States, the triggering event might be the loss of employment, which can often precipitate a loss of health insurance—for those fortunate enough to have had it to begin with—as well as food and housing insecurity, educational disruption for children, and other related problems (Despard, Grinstein-Weiss, Chun, and Roll 2020). Maintaining employment can also be a trigger: Low-wage workers whose jobs have been labeled “essential” but whose conditions of work remain deplorable may be compelled by economic necessity to accept heightened risks of exposure on the job in hopes of avoiding the kind of collapse just outlined. People who have been asked to stay at or return to work, often in unsafe conditions, have been threatened with furloughs, or with the loss of unemployment and other benefits if they refuse to return (Johnson 2020). Some who have organized to demand

improved health and safety conditions have been terminated (O'Donovan 2020). If people work or return to work and become sick, they may lose their jobs anyway, infect their families, and endure a similar cycle of rights erosion (Schulze 2020).

The destabilization of rights “in the background” accelerates and exacerbates these collapses. School closures have limited access to nutritional food sources for many struggling families and created broader childcare challenges; in some instances, these challenges can jeopardize parental employment (Dunn, Kenney, Fleischhacker, and Bleich 2020). Fear of visiting hospitals and emergency rooms aggravates health issues for older people, people with chronic illnesses, and for the uninsured and underinsured (Rosenbaum 2020). Sheltering at home exposes women and children to increased risk of domestic violence, a problem worsened by the strains on emergency services and by limited mobility, both physical and economic (Abalaka 2020). Reduced transit ridership and reduced driving, attributable to shelter-at-home orders and economic recession, conspire to undermine funding for public transportation (Duncan 2020), leading to cuts that make it harder for many workers to get to and from their jobs and threatening to strand older, poorer, and sicker people far from grocery stores, healthcare centers, and other vital facilities. Moreover, the very restrictions designed to protect public health—such as curbs on assembly, movement, worship, and social and economic activity of various kinds—themselves result in derogations of rights, albeit potentially within the scope of the temporary curtailments permitted under international law.

In short, people's lived experiences of the COVID-19 pandemic seem to verify the interdependence of human rights. Certainly, the present crisis dramatizes the very practical ways in which the enjoyment of some rights is intertwined with the enjoyment of others. It would be a mistake, however, to treat this practical interconnection as confirmation of the doctrine of interdependence as most scholars and practitioners understand it, as the crisis also reveals. Revisiting interdependence in times and terms of crisis provides an opportunity to reconsider what interdependence means and what analytical and political work it can do for human rights advocates.

Revisiting interdependence

As Daniel Whelan (2010: 1) observed, the tripartite formulation that human rights are indivisible, interdependent, and interrelated is taken by scholars and practitioners as given. The terms are often used interchangeably, but Whelan's comprehensive history of their evolution showed that each had a distinct meaning in the changing political contexts of the twentieth century, although each was initially shaped in the crucible of Cold War debates about the two categories of rights introduced by the creation of two international covenants (on civil and political rights and on economic, social, and cultural rights; Whelan 2010: 207).

Each term is used to describe or explain something about the nature of rights and to characterize the relationship between the two categories of rights. Historically, *indivisibility* was a way of insisting on the equal status and priority of economic, social, and cultural rights with civil and political rights, most famously in the 1968 *Proclamation of Teheran* (International Conference on Human Rights 1968, 3[13]),¹ whereas *interrelatedness* was invoked to show that the supposedly different kinds of rights in each category shared common (conceptual or philosophical) characteristics (Whelan 2010: 3–8). *Interdependence*, Whelan argued, referred to the idea that “despite their distinctiveness as particular rights ... the enjoyment of any right or group of rights requires the enjoyment of others,” an idea he described as “relatively unproblematic,” at least in comparison with the other two concepts (Whelan 2010: 3).

The 1993 *Vienna Declaration and Programme of Action* effectively called an end to the Cold War in human rights, announcing that the universality of human rights was “beyond question” and noting, “All human rights are ... indivisible and interdependent and interrelated” (UN General Assembly 1993: 20). Removed from the historical context that gave them salience, the

indivisibility and interdependence of human rights (interrelatedness has largely fallen by the way-side) has become a kind of catechism that “invokes the continued sanctity of the Universal Declaration and seeks to fulfill its promise as a ‘common standard of achievement for all mankind’” (Whelan 2010: 208).² Like many a catechism or mantra, its deeper meaning has been quietly lost in its familiarity, so that in contemporary usage to call human rights indivisible and interdependent is simply a standard way of affirming that they are an integrated and holistic package and that states may not pick and choose which rights to honor and enforce.

When the *Vienna Declaration* proclaimed that the indivisibility, interdependence, and inter-relatedness of rights should be treated as settled, it papered over lingering uncertainty about what interdependence, in particular, might actually mean. According to Scott (1989: 781), it could describe either a relationship of empirical necessity or of logical entailment among rights, such that the enjoyment of some rights is either functionally or conceptually predicated on the enjoyment of (some) others.³ It is rarely specified which rights depend on which others, but the indivisibility and interdependence of rights has become such a ubiquitous trope that it seems safe to assume that, for many commentators who invoke, it, each right requires the enjoyment of all the others.

However widely accepted this stock understanding of interdependence might be, it has proven almost impossible to validate. To enjoy a right is to realize or “possess” the object or substance of that right; one enjoys the right not to be tortured when one is not, in fact, being tortured. Empirically, it is straightforwardly *not* a condition of the actual enjoyment of most rights that some other right(s) also actually be enjoyed. Purely as a matter of fact, one can enjoy the right against torture without enjoying a right to vote or a right to subsistence. Quantitative studies confirm this: Minkler and Sweeney (2011) found that there is only a weak correlation between security and subsistence. Interdependence is not a functional requirement of the enjoyment of rights.

It is equally difficult to show logically or conceptually that interdependence is somehow a necessary feature of rights. Most of the debate on this subject has focused on the work of Henry Shue (1996), who famously argued that a right cannot be considered *secure* unless other basic rights are also secure—that is, unless the right is adequately protected against standard threats.⁴ Shue illustrated this idea using the right to physical security, which he considered uncontroversial.

No one can fully enjoy any right that is supposedly protected by society if someone can credibly threaten him or her with murder, rape, beating, etc., when he or she tries to enjoy the alleged right. Such threats to physical security are among the most serious and—in much of the world—the most widespread hindrances to the enjoyment of any right. If any right is to be exercised except at great risk, physical security must be protected. In the absence of physical security people are unable to use any other rights that society may be said to be protecting without being liable to encounter many of the worst dangers they would encounter if society were not protecting the rights (Shue 1996: 21–22).⁵

Unless a society has made adequate arrangements to ensure that all (basic) rights are respected, the enjoyment of any right is precarious.

As influential as Shue’s work has been, it is not a successful argument for the conceptual interdependence of rights (Pogge 2009). To show why, Ashford (2009) used Shue’s own example of the right against torture and the right to subsistence. Shue had argued that, unless the right to subsistence is secure, people desperate for something to eat might agree to be tortured a little in exchange for food. (Although such examples may seem far-fetched, Ashford (2009: 97) observed that if one substitutes “child labor” for “torture,” the idea of a rights-violating contract to secure subsistence becomes tragically plausible). Critics responded that strict enforcement of the no-torture rule and a ban on such “torture contracts” would be enough to adequately secure the right against torture even in the absence of subsistence rights (Ashford (2009: 94–96).

Ashford conceded that Shue failed to establish a logical entailment regarding the enjoyment of rights. It is conceptually possible to fully secure the right to freedom from torture without

securing the right to subsistence, but the arguments establishing this conclusion miss what Ashford took to be Shue's larger point: If people lack subsistence, they can readily be coerced into giving up the objects of their other rights. In such cases, those other rights cannot be said to be secure (Ashford 2009: 99). She reminded us, in other words, that what matters is not whether interdependence really is a characteristic of human rights but whether people can enjoy their rights in a substantively meaningful way.

It is tempting to argue that Shue never intended to say anything about the conceptual interdependence of rights. His argument about securing rights was always focused on the mechanisms needed to ensure that people's enjoyment of their rights was not merely contingent but robust against standard and predictable threats. The security of rights is therefore a question to do with the social arrangements in place to guarantee their respect, protection, and fulfillment. Admittedly, Shue obscured this point by talking about basic rights as if "basicness" were a property or feature of rights themselves. (This way of framing the debate also suggests a hierarchy of rights, which unhelpfully implies that some "nonbasic" rights might be dispensable or of lower priority than others.) The crucial point is that securing rights is about putting in place the social arrangements necessary to protect against standard threats. Politically, the most important aspect of interdependence has little to do with what rights are or how they relate to one another conceptually, and everything to do with the practical conditions of their enjoyment. In this sense, interdependence can be understood as a political project.

Negative interdependence

If interdependence means anything, it means taking seriously that the insecurity of some rights makes other rights insecure. This "negative interdependence" is not a claim about the nature of rights but, rather, a practical lesson drawn from the practice of rights in everyday life.⁶ Systemic disruptions like those caused by SARS-CoV-2 provide a lens through which the widespread shortcomings in human rights protections come into sharp focus. The erosion of rights set off by the COVID-19 pandemic and by governmental responses to it shows just how poorly many societies are doing when it comes to creating the social arrangements needed to secure rights. As it turns out, many people's rights are, at best, contingently enjoyed.

In the United States, the fragility of the right to healthcare is perhaps the most glaring and offensive example, but lack of food and income, housing insecurity, poor workplace conditions, weak protections for labor rights, and many other deprivations are rampant. Of course, this insecurity is not uniform: Negative interdependence does not affect everyone equally. Although well-meaning pundits have proclaimed that "the virus doesn't discriminate," the loud rejoinder has been that societies do: The misery wrought by this pandemic and the efforts to check it has spread and intensified along familiar vectors of discrimination and vulnerability defined by race, gender, ethnicity, ability, legal status, and other social positions. These social positions are strongly correlated with greater pre-pandemic vulnerability (e.g., well-known disparities in health outcomes, levels of wealth, and incarceration rates) and strongly predict pandemic-related deprivation (e.g., higher rates of infection and mortality, involuntary job loss, and higher risk of eviction and foreclosure). The lens of crisis also focuses our attention on how the arrangements in place (or missing) in a given society reflect—and, to a significant extent, constitute—familiar structures of privilege and injustice.

There are thus good epistemological and normative reasons to stop thinking of interdependence as a feature of rights (in addition to the fact that it is not). Epistemologically, negative interdependence highlights failures and fractures in the social arrangements in place to secure rights; normatively, it highlights how insecurity promotes and perpetuates injustice. When interdependence is taken for granted—either as a feature of rights or simply as a settled fact—there is *nothing to do* politically. The focus on insecurity helps to conceive of (negative) interdependence as a

political project; it activates the idea critically and analytically, providing a framework for evaluating a society's commitment to everyone's equal enjoyment of rights and for identifying the kinds of policies and institutions needed to advance that commitment. The political commitment is crucial: In its absence, the insecurity of rights becomes merely a set of empirical regularities.

Because negative interdependence (insecurity) most severely affects people in disadvantaged social positions, a grounded, intersectional approach to insecurity is required.⁷ In a wide-ranging research project, Bouchard and Meyer-Bisch (2016) demonstrated the advantages of such an approach for understanding and addressing rights violations caused or compounded by the interaction between multiple and interlocking forms of oppression. Their team studied how “intersectional human rights violations,” in which multiple forms of discrimination are at work, triggered “chain reactions” or spirals of insecurity much like those revealed by the current crisis. Greater vulnerability led to increased violations, and those violations spread horizontally (to similarly situated others) and vertically (across generations; Bouchard and Meyer-Bisch 2016: 197–199). In the eight cases they examined, the severity of these chain reactions limited the capacity of victims to seek redress; the interdependent effects of multiple violations became a compounding factor in precipitating further violations; and, as the “contamination” spread, it encouraged outsiders in the belief that victims were responsible for their own plight. In a striking metaphor, the authors likened these insecurity spirals to a “bottomless pit” (Bouchard and Meyer-Bisch 2016: 199).

COVID-19, negative interdependence, and the insecurity of rights

I am an essential worker. I have been working through the whole pandemic. ... I have to choose between 3 bills at the beginning of the month to pay and I have no money. This \$97.50 a month [of transit fares], I can't afford it. (Deanna Turner, Pittsburghers for Public Transit)⁸

The negative interdependence of human rights finds a kind of grounding in the lives of people experiencing domination, oppression, and exploitation; from their perspective, the many interrelated dimensions of insecurity become plainly visible (Scott 1989: 787–788). People like Deanna Turner might well feel like they are descending into a bottomless pit: They put their health and families at risk to do their jobs, but they still struggle to make ends meet.

Many activists have adopted versions of the slogan that, following the pandemic, we can't go back to normal—that “normal is the problem.” That is because, for many people, “normal” means a society in which their rights are, at best, contingently realized, in which they live one crisis away—whether global or personal—from spirals of insecurity. Situations like Deanna Turner's are not caused by the pandemic; rather, the pandemic lays bare the precarity of those situations.

As Künnemann (1995: 323) put it, indivisibility and interdependence are part of the daily reality of struggles against oppression and for human rights. Historically, rights are achieved through such struggles, making them “first and foremost a tool in the hands of vulnerable individuals and groups against powerful mechanisms of oppression” (Künnemann 1995: 342). A crisis like the COVID-19 pandemic, therefore, has a lot to teach us about oppression and vulnerability, about negative interdependence, and also about the kind of politics through which it might be possible to mobilize against them.

Let me highlight one organization, Pittsburghers for Public Transit (PPT), that puts many of the ideas and arguments discussed here into action in its work. PPT “is a grassroots organization of transit riders, workers, and residents who defend and expand public transit”⁹ (PPT 2020b). It has long advocated for public transit as a human right, working in collaboration with partner organizations in the Pittsburgh region to address the multiple sources of rights insecurity (PPT 2020c). The organization understands its broader aims and strategy intersectionally, recognizing, for instance, that struggles for racial justice are central to its work: “We are in the same fight: for a world where all people have the freedom to move, to be in public space without fear or threat.”

(PPT 2020d). PPT has drawn attention to the use of local buses in ferrying state police to protests against racism, opposed the use of these public assets to transport arrested protestors, and highlighted how the abrupt cancellations of bus service during curfews strands essential workers and transit users, exposing them to militarized police violence perpetrated against protestors and bystanders (PPT 2020d).

Throughout the pandemic, PPT has amplified its advocacy for transit riders and operators, shining a light on how reductions in bus routes and frequencies threaten not only people's mobility but their health and their livelihoods. In one fascinating example of learning from the crisis, PPT is analyzing ridership data gathered during the state-mandated "lockdown" period (March–May 2020) to assess transit dependency, and advocate for the redistribution of transit service, and to help prevent bus overcrowding and rider "pass-ups" on high-demand routes. (Wiens 2020; a pass-up occurs when a bus or other transit vehicle skips a regular stop or station where passengers are waiting, usually due to overcrowding.)

I use PPT and transit rights as my example in part because they are important to me and to my community. Yet transit rights are also instructive in broader ways. There is no internationally recognized right to public transit, and it is nearly impossible to find transit mentioned in discussions of basic rights, rights security, interdependence, or really in any academic discussion of human rights. Yet the work of PPT shows—and the pandemic underscores—the essential role transit plays in securing some people's core rights, including health, free expression, affordable housing, access to food, and more. I stress "some people's" rights because affordable and comprehensive public transportation is clearly among the key social arrangements needed to secure the enjoyment of human rights, especially for those (mostly poorer) people who are most likely to depend on transit. For PPT, securing the right to public transportation is part of a broader political project of securing everyone's human rights.

Conclusion

When interdependence is taken for granted, treated as a feature of or fact about rights, it remains politically inert. Negative interdependence focuses our analytical and critical attention on the insecurity of rights. It can best be comprehended by foregrounding the lived experiences of vulnerable and oppressed people, using intersectional approaches to demonstrate how chain reactions of deprivation and violation create and sustain structures of injustice in our societies. Crises like the current pandemic bring negative interdependence clearly into focus, inviting a critical analysis of rights insecurity. Such an analysis reveals the gaps and deficiencies in our social arrangements and highlights that filling and correcting them is a political project, one that calls us to imagine and construct a solidaristic, democratic politics oriented toward the secure enjoyment of human rights for everyone.

Notes

1. "Since human rights and fundamental freedoms are indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible. The achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and social development" (International Conference on Human Rights 1968).
2. Whelan attributed this sanctity only to indivisibility; I have taken the liberty of applying his description to the entire locution.
3. Scott explored the possibility that, legally, interdependence might be understood as a kind of interpretive permeability among rights, a fascinating argument I cannot engage here (see Quane 2012).
4. Basic rights are just those necessary to the secure enjoyment of (all) other rights (Shue 1996).

5. It is impossible to provide absolute surety; attempts to do so would lead to myriad inefficiencies and absurdities. It is better to think probabilistically about minimizing the likelihood of violations (see Shue 1996; Pogge 1999, 2000).
6. I use the term “negative interdependence” to contrast this empirical focus on insecurity from claims that the actual enjoyment of rights is conditioned on the enjoyment of other rights.
7. For a discussion of a democratic methodologies for analyzing injustice, see Goodhart (2018: 139–162) and Ackerly (2018).
8. See Pittsburghers for Public Transit (PPT 2020a).
9. For transparency, I want to disclose that I am a member (financial supporter) of PPT and also of the steering committee for the Pittsburgh Human Rights City Alliance, in which PPT participates.

Notes on contributor

Michael Goodhart is professor of political science at the University of Pittsburgh and director of its Global Studies Center.

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