

**Adam Wagner**

**Lights in the Dark**

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eighth annual Model United Nations Conference

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1. Thank you for inviting me to open up your conference today. It is a great honour. Thinking about what I was going to say has been a welcome diversion from the extraordinary, difficult news of the last week or so since the UK decided to leave the European Union. In my opinion, it is a huge blow, to the United Kingdom, the European Union but also to the basic idea of international institutions. I think now is as good a time as any to think through some of these ideas, so that is what I am going to try to do today. I will give you a bit of background about my own career, talk about where human rights come from and why they matter. I will end by talking about what you can do to help, aside from attending excellent conferences like this one. I wish to devote today's speech to Elie Wiesel, who died last night. Elie Wiesel was a Holocaust survivor and a life-long advocate for human rights.
2. I went to school just down the road from here at Manchester Grammar. I had no idea I was going to be a lawyer. Let me tell you how it came to be. It was 2001. I had just finished my first year at university, where I was studying English Literature. I was on holiday with friends in Cuba, a few miles from an American military base called Guantanamo Bay. The base was best known at that time for hosting the only MacDonald's in the Communist Republic of Cuba. We were staying in a family's house in a lovely seaside village called Baracoa. The date was 11 September.
3. 11 September, or 9/11, was one of those days which we remember by 'before' and 'after', like the fall of the Berlin Wall or the 2016 EU Referendum. The world after the attacks on the Twin Towers in New York, and on the Pentagon was totally different to the world before. Before 2001, it is probably right to say people were still a bit giddy from the end of the Cold War. Western values had won out against Communism, and totalitarianism. And they hadn't won through war, but but with culture and economics. Liberal democracy just *worked better* and the proof was there for all to see. We won!

4. One of the most important victors' texts was a book called *The End of History and the Last Man*, in which Francis Fukuyama, with no irony, argued that in liberal democracy the world had finally found, if not a perfect system for running society, then at least the best system we would ever find. We had moved from a 'bipolar' system, where the USA and Russia balanced each other, to a 'unipolar' system. I think we were a little drunk, and had forgotten the lessons of history.
5. Then came 9/11. New York's two tallest buildings, full of people, were destroyed by Islamist terrorists from a group few had heard of, Al-Qaeda. The Pentagon in Washington was attacked. The White House only narrowly avoided being hit. Almost 3,000 people died and 6,000 were injured. This is not meant to be a history lesson, but I wanted to try and explain how that felt to me, and why it led me to be a lawyer and ultimately to specialise in human rights law. It was the feeling that along with the Twin Towers, all of the certainties that I had grown up with had come crashing down in an incredibly dramatic explosion, broadcast live on the TV. Politics, the world, life itself were turned upside down. For the first time in my life, it felt dangerous to do ordinary things like walk through a city centre or get on an aeroplane. There was a real sense that our leaders had let us down. The future of the world, of my world, was suddenly uncertain.
6. I went back to university a few weeks later. I had lost interest in 16<sup>th</sup> century poetry. All I could do in the library was read newspapers. I had experienced a taste – though thankfully only a taste, of what anarchy feels like. Anarchy is the absence of rules. Humans societies break down without rules. It tasted bad. I was desperate to understand *what was going on* – maybe a bit like some of you are feeling now, whilst the country we thought we knew seems to be falling apart. At first I became obsessed with newspaper columnists, who I thought might have the answer. Then I realised I had to look deeper. I decided to change my university course from English to Politics and Philosophy. I loved it. I felt that even if I wasn't getting answers, I was at least figuring out what the right questions were.
7. The man who I kept coming back to was Immanuel Kant, a German moral philosopher of the 18<sup>th</sup> century. Let me tell you what he said, in a nutshell. Kant was doing what all moral philosophers have tried to do, which is to describe human morals and explain why they matter. This is not an easy job. But I think Kant got it as right as anyone has. His most famous idea was something called the

'categorical imperative'. He said human mostly act according to the 'hypothetical imperative'. I'll give you an example. Imagine you are thirsty. A hypothetical imperative is when you think of an end – I quench my thirst – then decide on the means; I have a drink of water. That works for me not being thirsty, but it doesn't help in deciding what ends are moral and which are not.

8. Enter the categorical imperative. Kant said we should "*act only according to that maxim whereby you can, at the same time, will that it should become a universal law*". The way it works is this. Society is governed by rules, or laws. How do we decide which laws are moral? The answer is by putting in place laws which don't just work for us, as individuals, but for the whole of society. If I start from the 'end' point (the hypothetical imperative) that I need to quench my thirst, the law might be that all water to be plumbed into my house. That's fine, but it isn't helpful for everyone else. But if I start from the position that whatever law I am deciding on has to work as a 'universal law', the law would look quite different. We have to think about everyone in society and their needs for water. We have to decide who to fairly distribute the water. How do we do it? This is the best part. We use our reason, or inbuilt rationality. It's all we have. There are no magic books or beings in the sky who will tell us how to act – everything we need is in our collective reason.
9. To me, that was an inspiring message. I think it described how I saw the world, perhaps without realising it. That we have the capacity, as human beings, to create fair, just and equal societies. All we needed to do was to learn our history, think hard and figure it out. And this is the most important bit: we should consider ourselves not just as means but as ends. Simple!
10. Another philosopher who hit home with me was the 20<sup>th</sup> Century American, John Rawls. Rawls built on Kant's ideas. He wrote a book called *A Theory of Justice*. The same questions as Kant: how do we build a socially just society? But he went deeper into the question of *how* through a series of thought experiments. He said that *the most reasonable principles of justice are those everyone would accept and agree to from a fair position*. He said we should imagine ourselves under a 'veil of ignorance'. Try it. Imagine waking up one day. You are not yourself. You don't know who you are. In an hour, you will find out – you could be a homeless person living in the street, or a billionaire. But you have one hour to create a society which would be fair to you whomever you end up being. How do you do it? The point is that you

try to divorce yourself from the prejudices and self-interest which we all have because of where and how we were born. Again, it's a starting point. A position from which we can build a just society from the ground up. In the post-2001 world, where nothing was certain and the moral rules had become hazy, these ideas were, for me, like the emergency lights along the floor of an airplane, leading the way to safety and security. These were principles one could build a life upon.

11. Those lights led me, eventually, to human rights law. Human rights are a new idea, at least in the grand scheme of history. The first and most important statement of human rights was the *Universal Declaration of Human Rights*, adopted by the United Nations in 1948. Human rights are a moral foundation upon which a fair and just society can be built. They come with a promise: if you secure basic rights - to life, to not be tortured, to free speech, to liberty, to freedom of religion, to family life and so on – then society will be a fair and just place for everyone. Of course, the reality is messier, but the idea is simple and beautiful. And it is beauty which grew from the ugliest, most horrific events imaginable, the Second World War and the Holocaust, during which all of humanity's technological progress was used to torture and murder millions of people. The leaders, philosophers, lawyers and poets who lived through those events had experienced the feelings I described at the beginning of this speech, but a million times worse. The world, order, society, morality itself, had fallen apart before their eyes. They saw true anarchy. Everyone suffered, and knew someone who had died. People in England lived for years in bomb shelters and underground stations as their cities were destroyed around them.
12. What could they possibly do with their broken world? They could have retreated and regressed in to bitterness and small-mindedness, to protection of the tribe and hatred of the other. But they didn't. Instead, they said: never again. Human rights were different to the rights laws which had come before – like as the French Declaration of the Rights of Man and the US Bill of Rights – because they were *universal*. They applied to everyone; not just white people or citizens or humans with penises.
13. The beauty of human rights is that they focus on the individual. The individual – the *human* – is, as Kant said, an end in him or herself, not a means to an end. This may sound obvious, or I hope it does, but it wasn't obvious to the people who had

supported two of the dominant ideologies of the first half of 20<sup>th</sup> Century: Fascism and Communism. Both ideologies allowed for people to be used as means to an end rather than an end in themselves. If you want to make an omelette you have to break a few eggs, and so on. The Universal Declaration on Human Rights put the dignity of the individual, not rulers or economic progress, at the heart of society. And it didn't matter if you weren't popular, or your skin was the wrong colour, if you were the wrong gender. You were protected. You were an end, not somebody else's means. Let me read a few words of the pre-amble to the Declaration:

*"... recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ... disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people ... it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law"*

14. I want to emphasise this again. When the drafters of the Declaration wrote in 1948 of *"barbarous acts which have outraged the conscience of mankind"*, these were not acts they imagined or had seen on *Game of Thrones*. These people had lived through true horror, through events where all of the rulebooks were put to the fire along with the people who had written them. They knew about barbarous acts. They knew what needed to be done. We should listen to their words and hope we never need to learn the same lesson again.
15. So you have a beautiful list of rights. How do you enforce them? The answer in Europe was the European Convention on Human Rights, a list of rights similar to the United Nations Declaration, but with one crucial difference. If a person lived in a country which had signed up to the Convention was having her rights breached, she could go to a court which would enforce them. We should be proud that the United Kingdom played a central role in drafting the European Convention, and was one of the first states to sign up to it in 1953. Like the writers of the Universal Declaration, the people who put the ECHR together had also recently experienced the horrors of war. And those who lived in central Europe

had seen the rise of the fascists and understood what was needed to stop it happening again. Pierre-Henri Teitgen, one of the founders of the ECHR put it:

*“Democracies do not become Nazi countries in one day. Evil progresses cunningly... one by one freedoms are suppressed, in one sphere after another. Public opinion and the entire national conscience are asphyxiated. And then, then everything is in order, the ‘Führer’ is installed and the evolution continues even to the oven of the crematorium. It is necessary to intervene before it is too late.”*

16. So when people say to you, and they will, that a human rights case is not about *real* human rights, tell them that evil progresses cunningly. Tell them that human rights laws like the canary miners used to send down into the coal mine before they entered. If the canary came up alive, it means the mine was safe to enter. Human rights are society’s early warning system
17. How has it worked? Here are three examples. First, the gay soldiers case. When four soldiers were thrown out of the military for being gay, they took their cases to the European Court of Human Rights. There was a ban on gay soldiers serving in the military. It wasn’t good for morale, said the Ministry of Defence. The soldiers said their right to live a private life had been breached by the military. The court agreed. It ruled for them. Because decisions of the European Court are binding on states which have signed up to the Convention, the UK had to make that decision into a reality. The ban on gay people serving in the military was removed not long after. Here is a second example. A boy in the Isle of Mann was beaten by a policeman using a ‘birch’, which is a big stick with prongs, a bit like a cat-o-nine-tails whip. That was perfectly legal in the Isle of Man. The Court said that was inhuman and degrading treatment. The practice was outlawed. Here is a third example. A journalist was convicted of contempt of court for refusing to reveal a whistle-blowing source for a story. It was unfair to punish journalists for doing their job to protect commercial interests. After the judgment, the law was changed to better protect responsible investigative journalism.
18. In 2000, around the time that most of you were born, we brought in a law in the UK called the Human Rights Act. This brings the list of human rights in the European Convention into our local law. It means that if your rights are being breached by your hospital, the government, or your school, you can go to a local court to get them enforced. So you don’t have to go to Strasbourg in France, and

instead can go to Manchester Civil Justice Centre. And it has been a huge success. Thousands of people have used the Human Rights Act to achieve justice and equality. People in care homes, in hospitals, in police cells, in schools, in places of worship – they have to be treated fairly and with dignity. They have to be treated as ends, not means.

19. So I left university. I worked for a bit and then went to law school. I became a barrister, which is a lawyer who argues cases in courts. I specialised in human rights law. I have been involved in hundreds of cases, some of which have led to big changes in the law. A few months ago I represented a man called Ameen Jogee in a case where the Supreme Court changed the law of something called ‘joint enterprise murder’. You may have heard about it, because it most affected people of your age, mostly groups of young black men getting into fights where one of the group pulled out a knife and killed someone, and the whole group went to prison for life. After Ameen’s case, only people who intended to kill will go to prison for murder, not just those on the periphery.
20. Whilst working as a lawyer, I have also set up an organisation called RightsInfo. RightsInfo is a digital project which brings human rights to life using stories, engaging news and opinion articles and plain-English explanations of laws and cases. The site has had half a million visitors in the past year. The idea is to bring human rights to a wider audience, to build a human rights culture in the UK. It’s not going to be easy, because the many of the newspapers don’t like human rights very much at all. But please do go onto the site, follow us on social media and help get the message out.
21. I have told you a bit of my story and the story of human rights. I want to end by thinking about your stories. I am guessing by the fact that you have devoted your Sundays to discussing the United Nations that you are people who care about this stuff, who want to make a difference. I have talked a lot about dark times in human history, and how they can lead to uncertainty and societies moving backwards. I think we are living through one of those times right now in the UK and Europe. Our country is moving away from European cooperation and the basic idea of living in an open, tolerant, globalised culture. It isn’t clear where we will end up, but it will probably be a society which is more closed to the world than it was before last Friday’s referendum. But I won’t want to end on doom and gloom. The

flip side of all of this is that society *can* fundamentally change, and if it can change move forward, can change for the better. Humans can learn lessons and progress. But it doesn't happen by accident. We need to make it happen.

22. But how to do it? The first thing is that you don't need to be working in the United Nations or as a lawyer to be a fighter for human rights. Human rights begin at home. Eleanor Roosevelt, who was one of the key supporters of the human rights declaration, said this in 1958:

*Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world.*

Human rights begin not out there but in here. In schools, on the streets. In the way you interact with your family and friends, by treating people not as means to an end but as ends in themselves.

23. The second thing that you can do is become an advocate for human rights. You are doing that right now by taking part in this conference, by giving yourselves the tools to understand these ideas. There is no better way to understand than to do, and that's why what you are doing now is so valuable. And once you have a bit of understanding, explain why it matters to people you care about. Become a flag waver for human rights ideas, in your homes, your schools, on social media. It is so valuable – and please use RightsInfo resources and feel free to get in touch with any questions.
24. And finally, in the next few years you will hopefully go to university. This is probably going to be the greatest learning opportunity of your lives. Why not use it to learn about some of the issues I have talked about, and which you going to touch on today. Knowledge is power and you may never get another opportunity like this. Then, if you still have a taste for these ideas, why not think about career where you can fight for them? You don't need to be a lawyer, there are plenty of

opportunities in organisations like the United Nations, or social welfare charities closer to home, in academia or journalism.

25. We just experienced a truly historical event, the EU referendum. It is one of those events which we will remember as 'before' or 'after'. We know what happened before but no one knows what is going to happen after. We also know that although the country as a whole voted 'out', the overwhelming majority of younger people voted 'in'. I think human rights are the best way we have to build a society based on justice and equality. I ask you give those ideas a chance and, if you agree, get out there and fight for them. I will end with a quote from Elie Wiesel:

*"This is what we must do – not to sleep well when people suffer anywhere in the world. Not to sleep well when someone's persecuted. Not to sleep well when people are hungry all over here or there. Not to sleep well when there are people sick and nobody is there to help them. Not to sleep well when anyone somewhere needs you."*