From Human Rights to the Right to be Human: Some Heresies

Upendra Baxi

The great gift of classical and contemporary human thought to culture and civilization is the notion of human rights. The struggle to preserve, protect and promote basic human rights continues in every generation in each society. New rights arise from the womb of the old; today we widen the sphere of human rights thought and action to new arenas and constituencies, as the essays in this volume demonstrate. Without at all wishing to detract from this magnificent achievement, I explore in this essay three problems with classical and contemporary human rights thinking, all of which have poignant relevance to the experience of the impoverished masses in the so-called Third World.

The first problem is posed in the controversy concerning basic human needs and basic human rights. The second interrogates the conventional and modern human rights thinking as being excessively state-centred, thereby neglecting the problem of human rights, and challenges to these, in the domain of civil society. The third problem concerns the role of violence in negating as well as promoting human rights. Of these, only the first has received nodding recognition from thinkers and activists. All these three areas direct attention to both the theory about human rights and the politics of rights. I argue that the neglect of these three areas marks the essential difference between the human rights approach and the right-to-be-human approach.

The right to be human is, of course, the leitmotif of all human
rights thought and action. All the same, the human being who is the bearer of these rights may not have her basic material needs fulfilled; no right to use physical force is conceded to her, even in order to fulfill basic needs; and threats to the right to be human arising from civil society are not a part of the problematic of human rights. In the circumstances, human rights thought and action becomes a programmschrift, a blueprint for a just society; but a blueprint with vacant spaces, disallowing at the outset the pre-conditions for exercising the right to be human.

II

It is characteristic of classical and contemporary western liberal thought to ignore the entire problematic of basic human needs. The whole tradition of discourse from John Stuart Mill to John Rawls illustrates this tendency massively. Thus Mill's famous Essay on Liberty excluded the backward nations, women and children from the right to liberty. John Rawls, at the end of a spectacularly cogent and massive analysis in Theory of Justice, is able to say, without a frown on his face, on page 543 of his well-acclaimed work, that the lexical priority of liberty, after all, may not apply to societies where basic wants of the individual are not fulfilled.

The problematic of needs is acutely disturbing for the received models of human rights thought and action. It often gets translated into a conflict between 'bread' and 'freedom'; freedom usually wins with the liberal conceptions of rights, despite the awareness that without 'bread', freedom of speech and assembly, of association, of conscience and religion, of political participation—even though symbolic adult suffrage—may be existentially meaningless for its 'victims'.

But the issues are not really "bread" and/or "freedom" in the abstract, but rather who has how much of each, for how long, at what cost to others, and why. Some people have both "bread" and "freedom"; others have "freedom" but little "bread" or none at all; yet others have half a loaf (which is better than none, surely!) with or without freedom; and still others have a precarious mix where "bread" is assured if certain (not all) freedoms are bartered.

The problem of human rights, in situations of mass poverty, is thus one of redistribution, access and needs. In other words, it is a problem of "development", a process of planned social change through continuing exercise of public power. As there is no assurance that public power will always, or even in most cases, be exercised in favour of the deprived and dispossessed, an important conception of development itself is accountability, by the wielders of public power, to the people affected by it and people at large. Accountability is the medium through which we can strike and maintain a balance between the governors and the governed.

In this perspective, the discussion of human rights becomes fused with a discussion of developmental processes. But what is "development"? "To sleep, to dream, perchance to develop; here is the rub" (to modify Prince Hamlet somewhat). What is development? The many conceptions of 'development' floating around in massive literature are themselves the means of exploitation. It is at last now asked: Development for whom? Development from whom? Development of what? Development through what? Undoubtedly, in most countries the GNP has increased; but Gross National Poverty (the other GNP) has also simultaneously increased. That is why one is more comfortable with the expression "impoverishing" societies than "developing" societies. Undoubtedly, the reasons for all this are far too complex to permit any "whipping boy", "scapegoat" explanations. Indeed, part of the problem is, in this area, that most of us have been too quick to explain, and even to predict, but too slow to understand.

Whatever it may be made to mean, "development" must at least mean this: people will be given the right to be and remain human. Total and continuing destitution and impoverishment exposes people to a loss of their humanity. In no society that takes human rights seriously should there be allowed a state of affairs where human beings become sub-human—that is, when they performe have to surrender even those onorously recited "inalienable" rights of man, where people sell their wives, children or themselves (in bonded labour) in order to survive, or surrender their life. The expression "human rights" presupposes a level at which biological entities are bestowed with the dignity of being called human. The bearers of human rights must have an implicit right to be and remain human, allowing them some autonomy of choice in planning survival.

The second aspect of the right to be and remain human is an immunity against the loss of dignity through the willful infliction of physical and mental torture. When the holders of public and private power find it possible to use torture as a "rational" means of achieving certain policy objectives, human rights in any worthwhile sense of that term disappear. This is so simply because the tormentor exposes the tortured of the right to be and remain human, and the tormentor also forfeits her humanity. A system that allows or fosters
such practices encourages the possibilities of converting human beings into non-humans.

The Universal Declaration of Human Rights recognized this when it proclaimed:

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Article 5).

The Covenant on Civil and Political Rights reiterates this (Article 9) and forbids derogation from this salutary principle even in times of "public emergency which threatens the life of nation" (an example surely known to our politicians and jurists). Yet, even a decade after the Emergency, where is the impetus to make immunity from torture a non-derogable fundamental right in our Constitution? And the noble work of Amnesty International testifies to the never-ending struggle to make the world free from torture: a world where minimum humanity is not denied to man.

The jurists' concern with human rights, whether at the national or international level (and those levels must both be taken into account), which ignores linkages of human rights to development and accountability must remain shallow and even hollow. The battle for juristic formulation and refinement of conceptions of human rights is already won. Unless we shift our focus to the social, developmental context in which these formulations are to be operated, we would lose the war against the forces of exploitation, inequity and torture.

Fortunately, there is promise of attaining such focus even by lawyers. At least, there is an emerging literature, which they could (and should) take into account. Five approaches to the problems of development and redistribution are available in the Declaration of Cocoyoc (1974); the Hammerskjold Foundation's What Now—Another Development (1975); the conclusions of the 1976 ILO Conference embodied in Employment, Growth and Basic Needs: One World Problem (1976); the Barilocho Foundation Report Catastrophe or New Society? A Latin American Model (1976); The Reshaping of International Order (1976) commissioned by the Club of Rome. To this must be added the major Asian effort at formulating an approach to "development" by Rajni Kothari's Footsteps Into Future (1974).

There is steadily growing emphasis in these five reports on a conception of development which meets basic needs. The Declaration of Cocoyoc stresses that human beings have basic needs: "food, shelter, clothing, health, education. Any process of growth that does not lead to their fulfilment—or even worse disrupts them—is a travesty of the idea of development." So do other reports.

There is unanimity that basic needs must be met. But there is also an awareness that needs is a slippery conception, and the conception of "basic needs" operates on certain, preferred or tacit, value conceptions. It is acknowledged that "needs" are as much psychological and political and material. To satisfy the latter while forgetting the former would neither be consistent with . . . values nor indeed possible (Another Development).

It is also accepted that the international social and economic order heavily conditions any attempt at meeting basic needs by the poor countries. The report Reshaping the International Order is concerned primarily with structural modification of the world political processes and institutions.

These five approaches also share the awareness that emphasis on basic survival needs may lead to a situation of conflict between human needs and human rights ("bread" vs. "freedom"). The 1977 ILO employment report stresses that "basic needs constitute the minimum objectives of society not the full range of desirable attributes, many of which will inevitably take longer to attain." It seeks employment strategies which will make employment "more humane and satisfying" as an "element of basic needs strategy." The Declaration of Cocoyoc goes even further when it includes in the notion of development the right to work "not simply (as) having a job but finding self realization in work, the right not to be alienated through production processes that use human beings simply as tools". The ILO report also supports participation as an aspect of the basic needs strategy:

A basic needs oriented policy implies the participation of the people in making decisions which affect them. Participation interacts with the two main elements of a basic needs strategy. For example, education and good health will facilitate participation, and participation in turn will strengthen the claim for material basic needs.

The Barilocho Report identifies, in response to the Limit-to-Growth type of thinking, the "principal limits to sustained economic growth and accelerated development" as being "political, social and institutional in character, rather than physical". They say:
"No insurmountable physical barriers exist within this century to accelerated development of the developing region."

They insist as *sine qua non* of preferred development the meeting of two basic conditions:

first far-reaching internal changes of a social, political and institutional character in developing countries and second significant changes in the world order.

The basic needs policies in the Declaration and the Programme insist on "the urgent need for appropriate and optimal technology" which will take into consideration the "due account of the need to protect ecology and natural resources." And the ILO document affirms that the "basic needs" strategy is only the "first phase in the redistributive group process."  

Clearly, it would involve too great an adherence to human rights orthodoxy to raise issues of "bread" vs. "freedom" for such approaches. The broad conception of human needs here involves both the material and non-material human needs. The conception itself offers a latent critique of perceiving the latter as "rights" and the former as "needs".

It has been said that a basic needs approach may be congenial to the justification of authoritarian regimes. The provision of "bread" may justify indefinite postponement of the provision of any kind of "freedom". In the absence of such freedom, even the promised "bread" may not be realized by the masses; indeed, they even lose, in the process, their power to protest at the indignity of regime-sponsored starvation. This, indeed, is a possibility which has materialized more often than not.

Of course, a host of questions arise. Needs are sociogenic and culture-specific (note: nutritional poverty arises for the westerner when he does not get a minimum of 3500 calories per day, for the Indian when he does not get 2500 calories per day). Who determines what men need? Who determines the hierarchy of needs? How best are these determinations made? Is there a conflict between human needs and human rights and how best is it to be resolved? Are human rights to be treated as non-material needs to be satisfied and determined by technocratic conceptions of need satisfaction?

Obviously, all these questions are important. Some would regard them as so central, and intuitive responses to them as so forbidding, as to advocate a farewell to the whole of the basic needs framework. At this stage, it would be well to recall that the approach arose out of the very inadequacy of concerns for human rights which fail to relate themselves with the overall, dynamic contexts of 'development.'

The problem is really one of setting the limits of the basic needs approach to development. Such needs can be met through authoritarian (highly centralized models, backed by extra-legal coercion) models of exercise of public power or through tyranny, pure and simple, or through a cruelly exploitative use of human beings (as, for example, took place in the West during the first Industrial Revolution) in complete disregard of human values.

But does this mean that the basic needs approach should, therefore, be abandoned? Or that the approach should be developed to a point where basic needs begin to include human rights also (in other words, the conception which will include both material and non-material human needs)?

Even so, needs will surely conflict with rights. But *whose* needs? And *whose* rights? These would be concrete questions. Should not the need for shelter for the millions of pavement and slum dwellers in Bombay have any *legitimacy* at all as compared with the rights of the *nouveau riche* to live in five-star splendour? Should not continued drought or famine in one state in India, which forces people to sell their children to receive food for a day, justify a nationwide ban on conspicuous consumption of food on social events? Should not the fact that more than a half of Indian villages do not have access to potable water ensure draconian policing of wanton waste of water by the urban Indians?

Questions of this genre could be multiplied. The point will remain. And the point simply is that the model of universal human rights for all human beings contradicts the idea that all human beings, *without exception*, have a right to be human. If only a handful enjoy human rights, and erect the general model of human rights as a way of making illegible even the script of basic human needs for the masses, we diminish the very notion of humanity from *species*-life (as young Marx used to describe it) to class-life. Pitifully put, in order that some *classes* may have human rights, *masses* have to *cease* to be human. Human rights thought and action thus rests upon a confiscation of the right of all, without exception, to count as human.

A society that is so basically unjust, in this radical sense, that denies the masses their *right* to be human, also offers frail foundations
for the continued protection of human rights, traditionally conceived.

It is true, at the level of the politics of human rights, that the human rights rhetoric offers powerful, insurrectionary devices for marginally ameliorating the plight of the disadvantaged, deprived and dispossessed—or the Atisudras, as Babasaheb Ambedkar used to describe the economic and social proletariat. It is also true that over long periods of time the deployment of human rights strategies, such as social action litigation in India, tends towards empowering the impoverished. All that this means is that, in historical time, human rights carry the promise of the right of all human beings to be human. In this sense, human rights thought and action is essentially millenarian promising a Golden Age, the reversal of the eternal-looking kaliyuga. But the messianic future entails bloody costs and conflicts for large masses of human beings, here and now.

Human thought, in this day and age, must now accomplish what has appeared forbidding, and even impossible, to liberal human rights thought and action. And that is the endeavour to conceptualize the right to be human where the antinomy between 'needs' and 'rights' is dissolved. For this endeavour, we need not brown English or black French persons but an authentic thought and praxis by Third World intelligentsia.

III

The liberal discourse on rights is focused primarily on the rights of citizens against the state. The rights of liberty, conscience, freedom of speech and expression, of assembly and association may not be transgressed by state power and authority. These rights represent an affirmation on the overweening presence and power of the state as an imperious entity.

Of course, the rights are not absolute: they know reasonable bounds. The limits of these rights are furnished by the equal rights of all human beings to enjoy these rights. The state against whose will and power all these rights are erected is also the only entity capable of defining the limits of these rights, so that the general space for the enjoyment of these rights by all is provided and maintained. Liberal theorists have defined the limits of the state's role in creating limits to rights through the well-known harm principle, elegantly formulated by John Stuart Mill:

... the only purpose for which power can rightfully be exercised over any member of a civilized community against his will is to prevent harm to others. His own good either physical or moral is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, in the opinion of others to do so would be wise, or even right.16

What constitutes 'harm', of course, to be determined by the state and the law; and the state and the law will define harm in the shadow of the dominant ideology of power.

Thus, in a capitalist society free competition is never to be considered harmful. The law may define the rules of the game to avoid unfair practices; this is necessary since such practices vitiate fair competition. The fruits of the competition belong to the entrepreneur. Profit, surplus-value, is legitimate. So is the reinvestment of surplus with a view to appropriate the means of production. So is the peaceful passage of property from one generation to another, despite the vexed question since the days of Roman jurists concerning the justification of inheritance, even in a class-based society.

Neither competition, nor profit, nor inheritance, nor ownership of means of production constitute 'harms' for the capitalist state and the law.

If the state and the law are thus not to interfere with the exercise of these rights, open spaces are created within civil society for capitalist accumulation. The human rights of citizens against the state, and the limits on these rights, thus encode civil society. The rights of the citizen against the state are also rights of man over man and of man over nature. Rights become manifestations of politically protected power.

A capitalist farmer in a 'green revolution' area has the right to hire migrant labour at low wages. She has the right to use any amount of pesticides, fertilizers, herbicides, and defoliants—all affecting, sooner or later, both the quality of the soil and genetic diversity. By the exercise of this right, she may generate impermissible micro-toxicity in foods and vegetables, often with a carcinogenic effect on consumers. She may also exploit groundwater with a capacity which eventually causes drought in the region. Since the Indian state and the law does not conceptualize any of these actions as causing 'harm', the farmer is at liberty to do all this.

Thus, liberty as freedom with which the state and the law shall
not interfere is everyone's human right, of the prince as well as of the pauper. At the same time, in civil society, the very exercise of liberty creates space for domination by some over others. There is no assurance at all that human rights, as rights against the state, will not be employed so as to cause lawful harm to others. Indeed, heretical though it may seem, one way to formulate rights to liberty will be to say that these rights consist in the conferral of capacities in men to engage in causing lawful harm to others.

To be sure, it is only an egoistical person who would act in ways that will cause lawful harm to others in the exercise of her liberty. But the liberal human rights discourse presupposes precisely such a person. As Karl Marx said in 1843:

None of these so-called rights of man...go beyond egoistic man, man as a member of civil society, that is an individual withdrawn into himself, into the confines of his private interests and private caprice, and separated from the community. In the rights of man, he is far from being conceived as a species being: on the contrary, species-life itself, society, appears as a framework external to the individuals, as a restriction of their original independence. The sole bond holding them together is natural necessity, need and private interest, the preservation of their property and of their egoistic selves.\(^{11}\)

But if rights become resources for egoistical persons to cause lawful harm to others, with the power and legitimacy of the state standing as a sentinel of their freedom, history has shown that it is also possible for the dominated to invoke the idea of rights as a resource in their struggle for amelioration. The state, presenting itself as the sole institutionality for the realization of the general interest of the society as a whole, cannot repudiate the counter-use of the very idea of rights. Since it cannot do so it has to concede the same right of liberty to the oppressed.

But the same right is, of course, not conceded without a prolonged struggle. The whole history of the labour movement, no matter howsoever interpreted in detail, testifies to the fact that while initially the state and the law considered the right to liberty of association and assembly of the workers as causing unjustified 'harm' to the pursuit of the general interests of the whole society, in course of the centuries the right of labour to associate, to form unions and even to strike has been conceded. So was the political franchise to women.

The rights of the proletariat, sooner or later, arise from the rights of the bourgeoisie. The former arise out of prolonged struggle; and, in most situations, arise only when the latter become fully entrenched. Be that as it may, the expanding horizon of rights cannot be denied.

Even so, within the capitalist liberal state and the law, the ultimate achievement of these solidarity, associational collective rights culminate in an egoistical pursuit of certain material interests even within the oppressed classes. The trade union movement, as the Indian situation demonstrates, attains solidarity on issues of the right to work and fair wages for the organized labour; its overall record of solidarity for workers in the unorganized sector is rather scandalous. Paradoxically, it is increasingly the Indian state and the law, in the absence of struggle, and with pre-emptive effects on the potentialities of struggle, which is more active in creating and recording the register of rights of this sector—whether through the bonded labour abolition, child labour laws, or migrant worker protection measures.

These unduly condensed illustrative remarks are fraught with potential for the gravest misunderstandings. The risk has to be run, within the framework of this paper, to highlight the principal point. And that point is: the very logic of rights in a liberal capitalist framework of the state and the law, while allowing for emancipatory struggles for the oppressed and impoverished, creates potential for the egoistical exercise of freedom of lawfully harming others. The limited freedom of industrial workers to resort to strike for better wages entails infliction of lawful harm on an indeterminate number of workers and self-employed persons servicing the industry under strike. The ability of some privileged trade unions to negotiate very high wage rates, in so far as this has inflationary consequences, hurt the rural and urban impoverished. One can multiply instances of lawful harm thus permitted.

The point being made here is that the struggle for workers for the amelioration of their class conditions, crucial though they are, ultimately end up promoting and perpetuating the bourgeois notion of right as the freedom to cause lawful harm to others. While the recognition of the rights of labour limit the right of capital to cause lawful harm to labour, recognition of the rights of labour create the arena of permissible harm to others of the same class. This will remain so until the ethic of the bourgeois rights is differentiated from the ethic of the proletarian rights, the latter having to base itself on class solidarity entailing renunciation of vital and material interests of the immediate constituents of trade unionism at its historic stage of development. But the creation of such an ethic will demand a higher
morality than the one supporting the bourgeois rights, based on what Marx has described as unhindered pursuit of egoistic interest. And that revolutionary morality lies in such deployment of proletarian rights as would foster the struggle for “complete emancipation”, the emancipation of the “downtrodden millions”. The transcendence of the egoistic ethic entailed in the liberal model of human rights must itself remain an aspect of struggle of the proletariat; indeed, the proletariat becomes so only when pledged to such struggle. In other words, the model of human rights is to provide the matrix for the struggle for all dominated peoples to formulate and realize everyone’s right to be human. This movement, and only this movement, has the potential for transforming proletarian rights, which carry with them the bourgeois birthmark, into authentic rights of all to be human.

IV

The relation of the liberal model of rights to violence presents yet another problematic. Most thinking on human rights is truly non-violent; the problematic of violence is altogether liquidated by totalitarian and studied indifference on the part of theorists.

But a moment’s reflection would show the intimate relation between rights and violence. In the first place, the state and the law in sanctioning the compliance with rights or repressing the violation of rights are, without question, justified in using force, if necessary. Violence by the state in preserving the liberties of citizens is entirely non-problematic, in so far as it has trappings of the due process of the law. The discourse about rights is in this sense always, and everywhere, the discourse concerning justified violence.

Second, this discourse also produces conceptions of legitimate violence. Within a patriarchal ideology of the state and the law, sexual violence by husband over wife is legitimate; marital rape isn’t conceived by the state and the law as criminal violence, since it would amount to a diminution of patriarchal rights. Cruelty is of course a ground for matrimonial severance or liberation. But the institution of marriage in itself could remain the hub of violence by men over women. The patriarchal institution of marriage has its essence in what Bernard Shaw once characterized as legalized prostitution. Exploitation of dependencies—for example, parent-child relations—even when it takes violent forms is legitimate, unless the state and the law redefine the permissible ambit of the right to liberty. Where conceptions of freedom of contract reign, physical violence for the performance of allegedly free contracts (bonded, indentured, unorganized labour) is legitimate, even when not strictly legal.

Third, and rather crucial, the rights talk conditions us to think that violence is the very antithesis of rights. Forcible occupation of a five-star hotel dining room and forcible consumption of food by hordes of hungry people from the impoverished strata is a violation, nay indeed the negation, of the rights of the hotelier; forcible looting of cloth shops by people dying of nakedness in the ‘cold waves’ in North and East India during winter is a crime; forcible occupation of the vacant lands by the roofless, even for a night’s shelter in inclement weather, is criminal. It is only during what officials consider as calamities that public buildings are converted into temporary shelter (during floods, earthquakes, ethnic riots, for example). Impoverishment is not considered a calamity but rather a way of life. Therefore, the impoverished have an option to die of ‘cold waves’ and ‘heat waves’ or to get arrested for a crime one didn’t wish ever to commit and barter away ‘liberty’ for shelter in jail. During the heavy monsoon in Bombay, many people take the second option, as to stay out-of-doors would be to invite disease and hazard to health, to cope with which they require effective access to health services which are virtually non-existent.

What does all this demonstrate? Clearly, the maintenance of rights to private property—and the private property not just of individuals but of the state as well (since the state behaves no differently from the capitalist in guarding its own property)—use of the criminal process and sanction is legitimate and legal. What’s more self-help on the part of the impoverished even to secure bare physical survival is criminal because it violates these rights. Violation of some people’s rights is, therefore, violence; violation of the right of the Impoverished to remain human (human, in the minimal sense as distinct from animals) isn’t.

Fourth, human rights discourse, premised on the view that violence is antithetical to any model of rights, rarely concedes the historical truth that violence can create rights. Certainly, both the violence of the oppressed and the violence of the oppressors play a crucial role in the creation, promotion and protection of human rights. Human rights talk does not, as seen, recognize the latter even as a form of violence. The violence of the oppressed as a historic matrix for the creation, promotion and protection of their rights is never acknowledged in the classical and contemporary discourse, in
the liberal tradition, on human rights. To take just one historical situation, the struggle of the working classes everywhere, but acutely during the processes of the First Industrial Revolution, not merely involved violence (often desperate, often spontaneous but, in course of time, fairly well-organized). All gains, by way of workers' rights, have been historically not the products of state or class benevolence but direct and abiding results of violent struggles by the working class. Not merely this; history now pauses to record the fact that the workers and people were at the forefront of all major revolutions during the sixteenth-to-eighteenth century revolutions in Europe and America, even though these revolutions ultimately acquired a bourgeois-democratic character.

It is clear, from even a bare perusal of real history (that history which records the struggles of the impoverished masses to assert their right to be and remain human), that violence has been a progenitor of new human rights and struggles to safeguard these. The liberal human rights model has great difficulties in even acknowledging this great historical truth. To do so will inevitably raise most discomfiting theoretical issues: can violence by one man against another, one class against another, ever be justified? If it can, should there be a right to violence, a right to revolution recognized as human right? If so, how are we to articulate the conditions, circumstances and context of justification of the right to violence, to revolution? How does one conceptualize proletarian violence as inherently more than just the bourgeois violence? From the late medieval natural law discussions on whether, and when, tyrannicide is justified till the furtive discussions on the right to revolution in social contract theorists—and that's probably all that we have as lineage in liberal thinking—we find the liberal intellect arresting its potential for growth. In some kind of cognitive amniocentesis, the entire problematic is aborted. This, however, provides no justification for thinkers in the Third World to follow their mentors even in stillbirth.

This paper has endeavoured, in a fairly non-rigorous way, to raise three critical issues with the received human rights thinking. To some, even the raising of such questions may seem to be an act of reckless adventure. To others, their formulation may seem flawed. The strain to render these questionings as philosophically trivial, or politically subversive, or as analytically vacuous, is congenial to the received ways of thinking about human rights. My purpose would have been well served if I succeed in conveying the thought that there is an immeasurable distance between what we call 'human rights' and the right of all the human; and that this distance can begin to be traversed only if we claim the audacity to look at the human rights models from the standpoint of the historically oppressed groups.
NOTES

5. Id. at para 5, 47-51.
6. Id. at para 23.
9. Cohn, M. *The Peterson of the Millenium*.
10. See supra note 1 at 271.