

## Pandemic reveals the sham of human rights

Mirko Bagaric October 26, 2021

The largest natural experiment in human history has exposed the human rights industry as one of the largest intellectual missteps in human history. Society must permanently consign human rights discourse to the realms of comedy or fiction to prevent the ongoing dumbing down of our children and halt increasingly destructive government policy. Instead, the unmitigated pursuit of the common good is the singular ideal that must inform societal choices.



Human rights discourse is the orthodox moral (and increasingly legal) framework that has informed government policy since the UN invented the Universal Declaration of Human Rights 70 years ago. The Declaration has been the springboard for the creation of countless legal instruments and government bodies. Three Australian jurisdictions (Victoria, Queensland and the ACT) have enacted a Bill of Rights and taxpayers are burning millions of dollars annually to prop up the Australian Human Rights Commission. The human rights industry has for decades enthusiastically trumpeted the need for governments to give individuals a countless range of interests, including the right to privacy, cultural rights and freedom of conscience. The industry never proved where these rights came from or defined their scope. There is a compelling reason for this: all of these interests are fanciful.

The catastrophe that is the pandemic has sharpened the collective intellect of governments and the broader community. All governments have dealt with Covid in a manner that has totally ignored any appeals to human rights and instead have been guided by the only coherent moral objective: the common good.

Every human right, no matter how supposedly “fundamental”, has been summarily swatted away in dealing with Covid. The human body is conventionally regarded as inviolable. “My body, my choice” has for decades been a conversation stopper. At the same time, human rights warriors have been telling us the privacy of health records is an absolute right. Yet, Australians must now infuse their body with a vaccine or incur suffering in the form of being sacked from work and denied entry to most amenities.

Assertions of fundamental rights by people who don't want to be vaccinated are dismissively rejected. Moreover, lockdowns have violated our liberty, freedom of association and even freedom to engage in family relationships. During this brutal assault on the human rights of every Australian, there was not a whimper from the human rights industry – not even a “save human rights” Twitter hashtag. The only right exercised is the right of silence.

And it is only getting worse. The Victorian Public Health and Wellbeing (Pandemic Management) Bill introduced into the Victorian parliament on Monday is the most draconian legislation we've seen in this country. It vests supreme unchecked power in one man (Dan Andrews) to detain people, restrict the movement of millions of people and shut

businesses indefinitely by simply declaring a pandemic – even if there is not a single case of infection in Victoria. So why isn't the army of human rights lawyers and scholars marching into court to protect the privacy and bodily rights of the vaccine-hesitant and save Melburnians from the longest liberty-denying lockdown on Earth?

There is only one answer. Their theory is illusory; an intellectual scam. The truth is rights are concepts designed for an imaginary world where there is no competition for resources and no clashing of interests. Rights arguments are simply won by the side with the most money or internet followers. If rights discourse had the sparsest intellectual rigour it would have provided a pathway for dealing with the myriad conflicting interests presented by the pandemic, including the need to protect people from Covid-19 while at the same time recognising the importance of liberty and the need for work and education. Instead, the theory has been totally impotent in solving anything.

Two hundred years ago, utilitarian philosopher Jeremy Bentham declared the concept of human rights “nonsense on stilts”. A few years later, JS Mill told the world there is no such thing as human rights. The only rights that exist are those that can demonstrably advance human flourishing. If the expression of a certain interest (no matter how seemingly important, such as bodily integrity or liberty) diminishes net flourishing, it must be rejected or curtailed. This remains the high-water mark of human rights knowledge. Everything written on it since has been nothing more than intellectual junk.

There is only one evaluative framework that can ethically and transparently inform difficult government and individual choices. We must always act so as to maximise net individual and community flourishing. We are all just a number, entitled to have our interests and preferences given identical weight to that of the next person. In the competition for opportunities and resources that is the journey of life, preference must always be given to the outcome that will best advance net human flourishing.

It is illuminating that faced with the Covid catastrophe nearly all of us have become utilitarians. We disregard the rights of bodily integrity and privacy of the vaccine-hesitant because society benefits if we are all vaccinated. A moral code that provides coherent answers in a time of crisis is the moral code that must always guide our choices.

Still, if you are a rights fanatic there is one absolute right you can cherish: the right for taxpayers to be free from the self-serving human rights industry.

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