ABIDGED VERSION

BRUCE JESSON LECTURE 2013

REDUCING INEQUALITY: A STRATEGY FOR A CAUSE

By E W Thomas

Introduction

I did not know Bruce Jesson personally. But I am familiar with his writings. All his books have a place on my bookshelf. He undoubtedly influenced my thinking. Much of what I have to say tonight echoes views he expressed over two decades ago. As I share his distaste for neo-liberalism, his work, and the spirit of his work, infuse and inform my lecture. It is, therefore, a profound privilege to have been invited to give the Bruce Jesson Lecture this year.

This country, as with many other countries, has undergone a traumatic neo-liberal transformation. A theory that insists human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within a framework of strong property rights, free markets and free trade has been pursued in New Zealand to a radical extent. The outcome, as in other countries that have pursued the neo-liberal creed, has been extreme and even obscene inequality.

Any number of academic writers have pointed out that the process of neo-liberalisation has wrought observable dislocation and hardship to many people. Take just two authors. The respected historian, the late Professor Judt, in his book, *Ill Fares the Land* points to the material self-interest that dominates western societies and regrets the fact that we have lost the sense of collective purpose which was inherent in the values of social democracy. In *False Dawn: The Delusions of Global Capitalism*, Professor John Gray focuses on the false premises that underlie neo-liberalism. His message is that the pursuit of United States style capitalism - the Washington consensus and corporate driven globalisation - has led to social and cultural decay.

Authors such as Judt and Gray who deplore the spread of neo-liberalism make out a compelling argument. Yet, notwithstanding the collapse of a feral financial market on Wall Street in 2008, many people, including economists, still endorse neo-classical economics. But such economics have proved misguided or, indeed, at times, plain foolish.

The dissemination of ideas, such as those of Judt and Gray, are vital. They foster discussion and debate. But the question must be posed; will discussion and debate focused on the extreme inequality be enough of itself to reverse the impact of neo-liberalism and reinstate the collectivism, social responsibility and sense of community condemned to the margins of society by that ideology? My perspective is that discussion and debate of itself will not suffice. The legacy of neo-liberalism, with its baggage of mantras, shibboleths and myths, is now too entrenched to be so readily reversed.

It could be said that the impressive advances which the Child Poverty Action Group (CPAG) have made in highlighting the evil of child poverty is evidence that discussion and debate can of itself bring about a change in the community’s attitude. The concerted campaign undertaken by CPAG has certainly raised the community’s knowledge and consciousness of child poverty. Indeed, it is probable that no political party can now overtly neglect this issue. But there is difference. It is not possible for people to look at children and brand them as welfare cheats, or scroungers, or idlers, or lay-a-bouts, or social misfits, or the like. The mantras, shibboleths and myths purveyed by the rich and powerful gain little traction when it comes to the innocence and clear vulnerability of children, and so with discussion and debate the community can come to care.

Substantive human rights

But more is required to counter inequality at large. I speak, of course, of extreme inequality. I accept that a moderate degree of inequality is inevitable and provides a stimulus to economic progress.

The theme of this lecture is that the community, or groups within the community, will need to take a more assertive, if not aggressive, approach to the task of reversing extreme inequality. Economic, social and cultural rights, I suggest, are the key. These substantive rights embrace the right to work, in which I would include the right to a living wage, the right to health care, the right to freedom from poverty and an adequate standard of living, the right to security, the right to free and equal education, the right to a reasonable standard of housing, and the right to a habitable environment. Such rights must be articulated and pursued with a vigour that is capable of shaking and shifting the political and economic order.  Discussion needs to be more focused and directed to generating sustained pressure from those deprived of their economic, social and cultural rights and those who aspire to achieve a fairer and more equal society.

I have described a living wage, currently topical, as a substantive right. Let me pause to make clear why that is so. The Provenance of the right to work is beyond challenge. Article 23(1) of the Universal Declaration of Human Rights is emphatic:

1. (**Quote**) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (**Unquote**)

But what substance does this right to work have if it is not accompanied by the right to earn a living wage in return for the work? In other words, the right to a living wage is implicit in the right to work. No one would suggest that the right to work was met or satisfied if it meant no more than that it carried the right to work as a slave or the right to work in a sweat shop. The right to work is pointless unless it incorporates the right to earn a living - a living wage.

The gross inequality

I do not in this lecture intend to produce the numerable statistics, frequently supported by graphic slides, which establish beyond all argument the gross disparity in income and wealth that has developed.

 This gross disparity is, of course, universal, particularly in a global economy in which governments are all too ready to submit to international corporate opportunism. Between 1979 and 2007, the share of after-tax income going to the bottom 80 per cent dropped dramatically. The only quintile that increased its share was the top 20 per cent. And the top one per cent more than doubled its share. Its income skyrocketed by 275 per cent.

The disparity in New Zealand is no less severe. A World Health Organisation study has revealed that New Zealand is now second only to the United States in the divide between rich and poor and in the prevalence of emotional distress in the community. Books, such as the recently published book on inequality edited by Max Rashbrooke, and websites such as that of Clo$er Together: Whakatata Mai, provide compelling evidence of the growth of economic inequality and social disruption.

In the two decades from the mid-nineties in New Zealand the incomes of the top 20 per cent of income earners increased faster than in any other OECD country. Incomes for the bottom 20 per cent actually decreased. Wealth is even more unevenly distributed. The top ten per cent of the population owns half of the country’s wealth and the bottom 50 per cent owns only five per cent of the wealth.

The human consequences of this gross inequality are all too evident. An unacceptably large number of people are jobless today through structural unemployment, that is, unemployment due to globalisation, technological innovation and demographic change rather than the global recession. An increasing number of citizens live below the poverty line, however that deprivation is defined.   Many, especially children, are denied the basic rights to health, food, shelter and access to water. Indeed, in 2006/2007, 230,000, an appalling 22 per cent, of children in this country were living in poverty. Growing numbers of people are living without permanent or secure housing. Many more are living in overcrowded or substandard conditions.

Inequality persists in access to education and the standard of education available. Although they can read and write, more than 40 per cent of New Zealanders aged between 16 and 65 years have low literacy levels and cannot meet the literacy demands of everyday life and work. The NCEA Level 1 pass rate at the poorest 30 per cent of secondary schools is only two thirds that of the wealthiest 30 per cent of schools. The inevitable result is the disproportionate underachievement of underprivileged groups in society.

Then, health services for the economically and socially disadvantaged fall short for those on lower incomes. Nor do they have the “choice” of private medical care or health-related insurance.

For Maori the statistics are appalling. One in four Maori males has been in prison; one in four Maori young people are unemployed; Maori life expectancy is eight years lower than Pakeha life expectancy; Maori have a 50 per cent higher rate of mental illness than non-Maori; Maori children are much more prone to certain illnesses; and Maori children are disproportionally left behind in the education system. I find this neglect of a people socially and culturally offensive.

Wilkinson and Pickett's, *The Spirit Level: Why More Equal Societies Almost Always Do Better* further demonstrates the unacceptable consequences that exist in our society as a result of the neglect of economic and social rights. The authors establish that on almost any social indicator taken, those countries with the greatest gap between rich and poor fare worse than those with a more even spread of wealth. While the United States is almost invariably worst, New Zealand is never too far behind.

It must be emphasised that the cause of this extreme inequality in affluent countries is not due to the lack of resources to share. There is in these countries more than enough to deliver substantive rights and a humane way of life for all. Regard may be had to the work of Thomas Pogge, Professor of Philosophy and International Affairs at Yale University. Having compiled a table which shows that the top five per cent of global income distribution gained substantially from 1998 to 2005, while the poorest eighty per cent have lost ground, Pogge concludes that the global poverty gap could have been filled almost twice over just from the gain - just from the gain - in the share of the richest one twentieth during that period, that is, from 1998 to 2005. This is to say that the richest twentieth could have retained their assets and wealth, their multiple houses, their fleet of cars, their luxury vessel, and all that went to make up their lifestyle as at 1998, and the wealth accumulated by them since that date would have been sufficient to eliminate world poverty almost twice over.

It can no longer be denied that the lavish lifestyle of the uber rich is obscene and that the poor are increasingly marginalised and disadvantaged. Surely it is a truism to assert that, where social and economic disparity is of this order, social justice is in serious default.

Why is this gross inequality tolerated?

How has this gross inequality been tolerated in a country that once prided itself on its egalitarian culture and sense of social justice? The answer is simple, although unpalatable to many, especially when couched in the blunt language I consider appropriate. In short, this gross inequality has been fostered and sustained by the mantras, the shibboleths, the myths, the falsehoods, and the specious beliefs that are propagated by the rich and powerful to perpetuate their wealth and privilege. This is not to say that they do not believe the mantras, shibboleths and myths they propagate. For the most part, they do. Indeed, it is the fervency of their convictions that make them such a potent protagonist and a determined protector of the privileged position they have wrested from the community.

Theoretically, those citizens who are vulnerable to the slings and arrows of the economic order should be able to look to the political process for protection. Being representative, the government can be held accountable. But while the shortcomings of representative government should not be overstated, the reality is less attractive than the theory. The notion that vulnerable individuals and disadvantaged groups in society can obtain effective recognition in the political process is problematic. Certain sectors and special interests exercise a disproportionate influence. Money counts. So, too, does the collateral control of, or dominance in, the media count.

Historically, the welfare of the vulnerable and disadvantaged has been to some extent protected by what might be loosely described as the middle class, people at the centre of the socio/economic spectrum. The middle class has been relatively well off and aspired to be even better off. As the perceived power-brokers in a democracy, they have been courted by the major political parties and thereby provided a moderating buttress against the exploitative potential of capitalism. I am not saying that the middle class will not continue to exert an ameliorating influence on the more extreme political agendas forever afoot in a democracy, but the middle class is also being left behind. In the United States this pheunomenon is described as the “hollowing out” of the middle class. Yet, the middle class continue to reflect the values of the wealthiest twentieth per cent. They have been seduced by the mantras, the shibboleths and the myths purveyed by the rich and powerful. The interests of that elite are perceived to be their interests

Who, then, will speak for the woe-be-gones, the misfits and the inevitable “losers” in a capitalistic society? How can the vulnerable and disadvantaged individuals of whom I have spoken be guaranteed their basic economic, social and cultural human rights?

Self-evidently, these rights must be identified and recognised by the community. But recognition of itself is not enough. The community must also recognise that the vulnerable and disadvantaged have the right to claim those rights. This core or underlying right is based on the intractable premise that all individuals are human beings possessed of a tangible human dignity.

Society is an integrated and interdependent economic and social estate, and the vulnerable and disadvantaged cannot be excluded from that estate. They cannot be simply discarded on some scrap heap reserved for "social misfits". As human beings and members of society they are vested with rights which guarantee them the basic means of sustaining life and obtaining a reasonable quality of life.

A speech made on behalf of this country on the adoption of the Universal Declaration of Human Rights in Paris in 1948 spelt out the basic entitlements; [**Quote**] "[T]he right to work, the right to a standard of living adequate for health and well-being, and the right to security in the event of unemployment, sickness, widowhood and old age". [**Unquote**] Recognising that the common man and woman are social beings, the same speech emphasized that people have [**Quote**] "the right to education, the right to rest and leisure, and the right to freedom to freely participate in the cultural life of the community. These social and economic rights can give the individual the normal conditions of life which make for larger freedom". [**Unquote**] Only when there is a full recognition of economic, social and cultural rights will this "larger freedom" be achieved; freedom for the individual to develop in a society alert to the basic rights of the individual.

The neo-liberal features that must be reversed

It is this “larger freedom” which has been derailed by neo-liberalism and the commitment of that creed to neo-classical economics. As a first step, therefore, in any campaign to achieve a more equal and just society the damaging features of neo-liberalism which remain must be identified and challenged. Ultimately, they must be arrested and reversed

What, then, are the negative or subversive features of the neo-liberal legacy? I will touch upon eight.

1. Values directed by the economic order

The first damaging feature of neo-liberalism I would identify is the fact that the economic order has been permitted to direct, if not dictate, the values and morality of the community. But the morality of capitalism is a pagan morality; a morality bounded by the profit motive and the obsession with consumerism and the materialistic values it engenders. The prime example of this perverted morality exists in the fact that a person’s worth is measured, not by the value of his or her contribution to the well-being of the community, but by their accumulation of personal wealth.

My immediate point, therefore, is simple; naked self-interest (for which it is easy to read greed) is a malign foundation for a healthy society. The free market should not be permitted to dictate or direct the values of the community. Rather, the community must determine its own values, and impose those values on the free market.

1. Exploitation

The second feature: we have become increasingly tolerant or even immune to what I regard as the most reprehensible of all social and economic evils – exploitation. The potential for exploitation is inherent in capitalism. Those with superior power, either through natural advantages, acquired knowledge, inherited wealth, or fortuitous circumstances, are in a position to take advantage of others who are vulnerable to the exercise of that power. The profit motive then ensures that someone or some sector, generally working people, will be exploited, or will be vulnerable to exploitation, to maximise the profit.

The exploitation of natural resources and the environment is again the inevitable consequence of rampant capitalism. Economic theory is based on the gospel of scarce resources. In essence, economics is all about the allocation of scarce resources. But the unregulated free market has no inbuilt mechanism that permits it to recognise that truism and so modify the avaricious profit motive that drives the system. The environment is desecrated and our natural resources depleted. Those who trumpet the mantra that the free market is the most efficient means of allocating scarce resources tend to disregard the impact of an unregulated market on the environment. Yet, the true burden of the environmental cost is not borne by those who profit from the usurpation of the planet’s limited resources but by the community as a whole.

1. Equality

The third feature relates to the concept of equality. Equality today is more often than not defined in terms of “equality of opportunity”. Equality of opportunity has become a political mantra. It has the effect, and is at times used to have the effect, of obscuring the true extent of inequality within the community. I hold to the view that equality must mean more than equality of opportunity. Certainly, everyone should have the opportunity to develop their talents to the full. But if equality means no more than that, it is simply the opportunity for those with a fortuitously superior genetic structure or fortuitously privileged background to advance their superiority and privilege. As a practical matter, the premise underlying equality of opportunity should be the existence of a level playing field, but the gross inequality of which I speak as well as genetics, ethnic and other prejudices, the economic order, and liberal individualism effectively preclude that premise.

This degraded perspective of equality in turn impairs social mobility. The disadvantaged are stuck with being disadvantaged. Upward mobility has steadily declined in the past two decades. It becomes a vicious circle. Children of poorer parents are less well-educated and well-placed and obtain fewer opportunities to compete with those who are better educated and better placed. Children without an inheritance are at a disadvantage relative to those who are favoured by inherited wealth. Children of parents in a poorer area will not enjoy the advantages of their more affluent neighbours. And the children of their children will necessarily fare worse again. An unabashed evil of inequality is that it perpetuates itself and secures its own expansion.

1. Governmental intervention

The fourth feature I would list relates to state intervention. The populace has been conditioned by mantras, myths and catch phrases to repel governmental intervention, whether beneficial or otherwise. The political manifestations of the unregulated free market have widespread and unquestioned support.  Take a sample; blind adherence to the private sector and an equal measure of disdain for the public sector (meaning in reality a blind bias in favour of private enterprise, a blind disregard of the mixed record of private businesses, and an equally blind rejection of the contribution and worth of the public sector); "small government" (meaning in reality less government policies favouring the vulnerable and disadvantaged and less governmental assistance for those in need); privatisation (meaning in reality a transfer of wealth from the many to the more affluent few); "flexible labour" (meaning in reality less pay and tougher conditions for workers); "choice" (meaning in reality choice for the better off); “market discipline” (meaning in reality, more often than not, a savage reduction in the number of employees or the attribution of an artificial money value to an inherently unquantifiable quality of service); and the holy grail of endless growth (meaning in reality an ill-informed optimism that growth is an eternal principle).

Catch phrases also take on the bogus status of mantras; “the politics of envy” (a phrase used to deter criticism of inequality and foster acquiescence in the status quo); “nanny state” is another phrase, (a phrase used to generate a blanket resentment of all or any governmental intervention; and “welfare cheats” (a label utilised to denigrate the great majority of beneficiaries who are not cheats and who are in genuine need of assistance).

It is, in short, the hyperbole of right leaning ideologues that has convinced people it is not a good thing to interfere in the market. The Tea Party movement in the United States provides a good example. Facing unemployment and the foreclosure of their homes many of its adherents rail against the government in Washington and demand less government. Yet, it was the absence of effective governmental regulation of the financial and banking industry that led to their sorry plight.

In New Zealand, the leaky homes debacle is the result of this misplaced ideological approach. The Bolger Government scrapped the existing controls in the building industry and instituted a “light-handed” regulatory regime.   The regime failed, and leaky homes have been the outcome at a cost to the community of $11-13 billion - and rising. Legal liability, where liability has been established, has generally been imposed on local councils. The deficit can only be made up from rates paid by the many. But the true responsibility for this expensive fiasco was the Government of the day’s policy to adopt a light-handed regulatory regime. The hard fact is that the strength of the profit motive and the impact of competition in the market place was discounted or ignored.

It is, is it not, an incongruent mystery as to why those of a neo-liberal or purest free market disposition can at one and the same time extol the profit motive and yet fail to understand the compulsive force of that motive.

It must, therefore, be more widely appreciated that effective regulation is essential to curb the shortcomings of the free market and attain the goal of social justice. As consumers, people have a voice in the operation of the free market; as voters they can have an overriding voice in controlling the harmful effects of the free market. Regulation, in other words, is the means by which they can give effect to that voice and harness the free market to their service.

I do not want to be misunderstood. It may well be that, for the free market to operate in the public’s favour, the solution in any given situation may be more competition and not more state direction or control, but the point is that governmental intervention is still required to bring that solution about. What is required in each case is a pragmatic determination as to which solution best serves the common good.

1. Unemployment

The fifth feature or concern is the fact that the community’s widespread antipathy to unemployment which characterised the welfare state has diminished in intensity. Unemployment is increasingly seen as a necessary function of economic growth, an individual misfortune to be bartered to secure greater economic efficiency, and the unavoidable consequence of controlling inflation. Yet, unemployment is a loathsome scar on the body politic and a stain on any society that claims to be a civilised society. Unemployment offends the dignity of the person. It is an affront to human dignity to be regarded as, and treated like, a commodity or unit of production.

Full employment is all too often sacrificed to obtain cheaper goods by adopting technology or replacing local labour with cheap overseas labour. It took 100 years (1802 -1901) and numerous Factory Acts to rid industrial Great Britain of slave labour and child labour. But, of course, although it took time, capitalism adjusted and, under global capitalism, the slave labour and child labour is to be found elsewhere; in countries such as India, Bangladesh, Indonesia, and central America. Workers in the developed economies, including New Zealand, are thrust into competition with this cheap labour. Working people, it seems, have become expendable and their dignity irrelevant.

1. Taxation

In the sixth place, taxation has ceased to be perceived as a civic duty. Neo-liberals, individualists, libertarians, entrepreneurs, and any number of shysters, claim some sort of pre-tax right to their income, some even denouncing taxation as "theft". Yet, society, even a free market and individualistic society, cannot exist without government and government, however large or small, requires funding. Those entrepreneurs and developers who utilise public infra-structure, public amenities and public services but do not pay their fair share of taxes are, in substance and effect, receiving a subsidy from the taxpaying members of the community.

Tax evasion is fraudulent and tax avoidance is inequitable – and, indeed, immoral. Over time both tax evasion and tax avoidance have cost the community billions and billions of dollars. (I will add in passing that the cost of welfare fraud is miniscule in comparison with the cost of tax evasion and tax avoidance.)

1. Trade unions

The seventh concern is the demise of the power and influence of trade unions. Trade unions emerged in industrial Great Britain to offset the inherent power of employers, both individually and as a class, and so prevent the exploitation of workers. That rationale remains sound. Individual workers cannot match the economic and political clout of their employer or the economic and political power employers wield in the structure of the economy. The imbalance is structural unless workers are able to act collectively, and society is dysfunctional for so long as that imbalance remains. It will remain, and neo-liberalism will not have been finally routed, until trade unions recapture some part of the influence they have lost, principally by the restoration of collective bargaining. Good people who contribute their labour to increase the welfare and wealth of the community cannot be forever denied their just recognition and return.

Moreover, equality in the workplace cannot be measured solely by the level of the wages or salary paid. For true equality to exist, workers must be treated fairly and in good faith by their employers and possess legal safeguards to protect their interests in a manner [**Quote**] “worthy of human dignity”. [**Unquote**] Rather than being perceived as a cost, workers need to be regarded as an investment, if not a stakeholder, in the industry or enterprise to which they contribute their labour. Indeed, many studies have confirmed that such enlightened treatment also increases productivity.

There is another important aspect frequently overlooked. In the past, trade unions could make a contribution to the social cohesion and sense of community in the social democracies. Of course, trade unions in their heyday behaved in a way that was at times perceived to be contrary to the public interest. I do not deny that trade unions, like all other centres of power in society, require regulation to prevent the power they wield being abused. But the point is that the decimation of the power of trade unions has denied the labour force a sense of community and, at the same time, denied society as a whole a sense of community that is inclusive of the workforce.

1. Social justice

And, finally, of course, underlying all these concerns is the seemingly dwindling commitment of the community to social justice. The central core of a society dedicated to social justice is empathy, not only individual empathy, but also the empathy of a collective and inclusive community. But the liberal individualism which has taken hold seems to preclude anything more than minimal empathy for those who suffer or who are vulnerable or disadvantaged; the so-called "losers" in a capitalist economy. People, good people, are fully capable of empathy, as witness the response to natural disasters such as the Christchurch earthquake, but restoring or converting this capacity for empathy to the body politic is probably the most difficult challenge facing any post-neo-liberal reconstruction.

The myths and shibboleths

Underlying and accompanying these mantras and shibboleths are a plethora of myths that serve to maintain the political and economic power of the wealthier sector of society. These myths are elaborated in my written lecture (which will in due course appear on the website of the Bruce Jesson Foundation), but constraints of time preclude that elaboration tonight. Suffice to say that the sheer number of these myths is frightening. Yet, for the most part they have been discredited by experience, disproved by statistics and studies, or debunked by most economists.

“Trickle down” economics is a prime example. Other myths I touch upon are:

* The myth that a progressive tax of the wealthy depresses production and retards economic growth;
* The myth that the poor have only themselves to blame;
* The myth that a person’s wealth is due solely to his or her own hard work;
* The notion that the free market is the most efficient means of allocating the distribution of resources;
* The claim that privatisation is economically beneficial;
* The notion that the country’s finances are the household or family’s finances writ large; and
* The claim that high CEO and senior executive salaries and large bonuses, even if they appear obscenely high, are essential to the operation of the free market.

And, so, to a demand for substantive rights

The basic problem, as I have indicated, is that these mantras, shibboleths and myths propagated by the rich and powerful to maintain the social, economic and political order are widely accepted by those who are not rich and powerful. Karl Marx described this phenomenon as “false consciousness”. The insight captures the notion that people are unable to see things, whether exploitation, oppression, economic factors or social relations, as they really are. They are falsely seduced into believing that the interests of the rich and powerful are their interests or serve their interests. Social activity and institutions making up the super-structure of society are subtly conscripted to further the interests of those privileged with wealth and power.

To stop one's thinking, however, at this woeful inequality without assaying a solution is incomplete. And it is unrealistic because the world is full of people who are reformers, optimists, altruists, idealists and other like-minded people who care, people who are empathetic, people who are not satisfied with the way things are, people who will not despair, and people who will strive to achieve a fairer world and improve the lot of humankind.

How, then, can capitalism, the free market, be adjusted so as to recognise the needs and demands of the powerless, the vulnerable, the disadvantaged, the disenfranchised, the destitute, the jobless, the homeless, the semi-literate, the disabled, the underprivileged, and the marginalized. Certainly, capitalism is capable of adjustment. Universal franchise, the growth of a propertied middle class and the emergence of the welfare state are notable manifestations of this capacity for adjustment. But a further adjustment may not be able to be achieved short of some upheaval in our thinking leaving no room for doubt that the economic order must change. The banner under which this cause could march, I have come to believe, is the banner of human rights.

I take the view that the main vehicle for reducing this extreme inequality and bettering the lot of humankind will be in the area of human rights, more specifically, economic, social and cultural rights; the substantive human rights. Human rights are basically ego-centric. As a result, the enforcement of human rights by individuals - or groups of individuals - is compatible with individualism. The enforcement of human rights is probably now the most productive means of protecting the individual or groups of individuals from the harsh extremes of liberal individualism and capitalism. To a large extent, the protection of human rights is beyond or outside the political and economic systems. Irrespective of those systems, people can insist upon their "rights".

While generally related to civil and political rights, the right to human dignity is of equal if not greater application to social, economic and cultural rights. The objective of such rights also is to recognise and protect the worth of the human person and to promote conditions in which human dignity may thrive. All fundamental rights, political, civil, economic, social and cultural can be united "into a whole".

Having regard to the prevailing political and economic order it is probably unrealistic to expect the legislature to enact legislation providing effective recognition of substantive rights. Such a measure, even if recommended as part of a review of the constitution, is almost certain to fall on deaf or unreceptive legislative ears. Any guarantee of such rights would be portrayed as a burden on the taxpayer and an erosion of democratic or representative government.

Nor do I anticipate that social and economic rights will be developed by the courts as political and civil rights were developed following the enactment of the New Zealand Bill of Rights Act in 1990. The current regime was founded on the existence of that statute and the forced assumption that Parliament would not have enacted the Bill of Rights if it had not intended those rights be given substantial and effective recognition. But without the legislature’s lead the development of substantive rights will not emanate from the judiciary.

If we cannot look to the legislature or the courts to generate the required assertive approach to substantive rights, how can that assertive claim to such rights be generated? The answer must rest with the community or, more particularly, groups within the community, to initiate the necessary action. Such groups will need to penetrate and refute the “false consciousness” pervading the community and articulate the rights in much the same manner as political and civil rights have been affirmed in the Bill of Rights.

In short, what I am suggesting is a focused campaign to promote substantive human rights. Not being indirectly enforceable in the courts, such rights will not have the force of political and civil rights, but the objective must be to ensure that they possess sufficient force for people to claim that the minimum social, economic and cultural standards they reflect are theirs as of right. Thus, such rights would have the same natural law underpinnings as political and civil rights. They would be demanded by those denied those rights with the same vigour and dedication as the community demand their political and civil rights

The Occupy Movement in 2011 seems to have run its course. The Movement was regularly criticised, with some justification, for not having a coherent message or identifiable objectives. As not unknown in movements on the political left, the leadership was plagued by internal dissension and debilitating divisions. But, it was clear that the people participating in the Movement were protesting against the rank inequality in the western world. Although a protest against inequality, it lacked the fervour and unity that a proclaimed commitment to social and economic rights could have brought to the cause. In other words, the Movement could have argued that excessive inequality can only be reversed by the reorganisation of the political system and economic order in such a way as to guarantee everyone their substantive rights.

The denial of substantive rights, therefore, must come to be viewed as an intolerable injustice, such as to lead to outrage and a burning anger at the hardship and misery that inequality has visited upon so many good people. This outrage and anger, and the discontent and social unrest that will go with it, will not eventuate unless the demand for substantive rights is accompanied by a deep-seated sense of the injustice of the present order. A resolute zeal, a feeling of righteousness, and a commitment to endure that will brook nothing short of the destruction of the extreme inequality that has come to pass will be imbedded in that sense of injustice. Injustice will be the source of the people’s outrage and anger; demand for the delivery of their substantive rights can be the means of expressing that outrage and anger.

Consequently, change will come, if it is to come at all, as a result of the social dissatisfaction and unrest that would follow the more aggressive assertion of economic, social and cultural rights. With people viewing the various substantive rights, not as matters to be negotiated or compromised in an imperfect and indifferent political system, but as requirements that are theirs as of right, pressure for change would be unyielding. Just as people will vigorously protest against the suppression or denial of their political and civil rights so they would come to vigorously protest the denial of their substantive rights.

Is it possible? Is it possible that the mantras, shibboleths and myths inherited from this country’s experiment with neo-liberalism can be debunked and replaced by a political and economic system in which the individual’s social, economic and cultural rights are respected and enforced? Is it possible that the greater recognition and enforcement of substantive rights will in turn provide a platform for the emergence of a society committed to the collective good, social responsibility and a sense of community.

I believe it is possible. It is possible that those who are denied their substantive rights will no longer be content to accept the lot to which liberal individualism and neo-classical economics has consigned them. It is possible that people will come to see neo-liberalism as a historical aberration and positively seek to weed out its lingering legacy. It is possible that they will demand a better order and that this demand will generate wide support from those people deeply troubled by the inequality of the modern world? Eventually, it is possible that the people will insist that their substantive rights are theirs, not at the whim of the rich and powerful, but theirs as of right.