

The Legacy of Human Rights

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This lecture is about human rights because Bernie Vigod was. And it speaks to its legacy because that's what Bernie Vigod's legacy was. Born in the shadow of the Holocaust, as many of us were, he could not help be shaped by its legacy. And having been shaped by it, he devoted his life to shaping a new legacy.

Tom Kuttner has already given an encomium about Bernie and I won't attempt to compete with his elegiac eloquence. I only met Bernie briefly, but for years I had heard about this whirl from New Brunswick who never allowed reality to interfere with his vision. I thought the best way to pay tribute to that vision was to join issue with it, emotionally and intellectually, and explore why his commitment to it was so utterly worth the effort.

These are not easy times in which to declare affiliation with the human rights movement. The concept attracted many more adherents when the magnet was a simple one, when the human rights cry screamed slaughter of religions, the disenfranchisement of races, or the outright exclusion of genders. The injustices were palpable and easily articulated.

The regret even more so. But we have entered a sophisticated era of competitive anxieties, when the injustices have been sufficiently cauterized so as to appear cured, when the obvious has been replaced by the subtle, and when the patience of the majority appears to have surrendered both to a complacent status quo and to a temperamental economy. The magnet is now prismatic.

There is no doubt that in Bernie Vigod's lifetime, an enormous amount of progress has earned our gratitude. This generation has produced many more human and legislative instruments than we could have imagined either possible or necessary, and under their auspices we have successfully eradicated innumerable barriers. But human rights is a process, an ideology, and it demands flexible vigilance because its gains are never irreversible.

Human rights are about fairness, a commodity much valued in the cultures of civilized countries, but more easily embraced than implemented. As a concept, it inspires platitudinous articulation, but one person's platitude may be another person's dignity. No one objects to fairness. Its charisma lies in its objective simplicity. It is the undisputed synonym to "humane", and humane is what we all want to be. But however seductive its objective appeal may be, it can never be properly applied unless it is understood that it is but objective. What is fair to an anglophone may not be to a francophone; what is fair

to a white male may not be to a black female; what is fair to an Atheist may not be to a Jew; and what is fair to any of them may not be fair to someone who is disabled. Each clamours for tolerance, each represents thousands more, each invokes the rhetoric of human rights, and each grows increasingly frustrated. The social contract comes under magnified scrutiny and the lens grows opaque.

How then to find common ground in the tangled web of remedial pleas? How then to so define the issues that the web weaves a whole cloth rather than the tatters of good intention?

The common ground is empathy. As more and more of us approach, and even achieve respectable levels of security -social and economic, more and more of us should be looking over our shoulders to see whom we left behind and why. While it is true that the plateaus are getting crowded, and that there will always appear to be less room than comfort suggests, we must all be reminded that our own comfort is fragile if the levels below us are at least as equally crowded. I am one of those who believe that absolute fairness, or equality, or peace, or absolute anything is unattainable. But that does not mean that they are not worth pursuing. The fewer we have in our midst who feel a sense of arbitrary exclusion, the closer we are to civility. The quest is the reduction of unfairness, and the way to achieve it is to strive towards the unattainable absolute of fairness, to make room for others, and even to facilitate their ascension to levels above our own. If the footpaths are strewn with victims of insensitivity, they will repay us. If on the other hand the path is clear, and heterogeneous, and optimistically travelled, those we promote will lead us in turn with enlightened nobility.

It's called generosity. There are thousands lined up around the block who have paid their admission and cannot understand why they are not being allowed into the theatre. It is trite to observe that indifference breeds indifference, but it is less trite to experience its costs. "We cannot afford it" is only one side of a ledger, and melts before the indisputable morality on the other side of a ledger that says "we cannot afford not to". Cost-benefit analyses suffer, as do many people, from being more easily amendable to demonstrating dispassionate costs than ineffable benefits. We are, I fear, at social crossroads in our efforts to retain the fairness we pride ourselves on espousing, and without aggressive attention, we could easily allow the gains and goals to atrophy, overwhelmed by confusion, and overtaken by false confidence.

Each and every one of the issues whose solution Bernie Vigod pursued relentlessly deserved his passion, yet each remains an unfinished chapter in the Book of Fairness of which he was co-author. It falls to the rest of us to finish the text, a task we willingly undertake, but a task we must transform into an unshakeable preoccupation of the majority, before we can donate the manuscript to history.

This of course, was why Bernie was so unapologetically a devotee of education. As a lawyer, tutored in the importance of presenting evidence to make a case, I'm sympathetic. As a member of the public, dependent on information to make intelligent choices, I'm in agreement. And as a parent, desperate for a healthy social and economic environment for her children, I'm fully committed. We are as wise as what we know. But I do not mean to define knowledge as merely the accumulation of facts, by sensitivity, by curiosity, and by experience. We are not omniscient and cannot know or experience all things, but we can be taught what questions to ask. All judges understand the answers depend to a large extent on the formulation of the question. The answer to any question of human behaviour is probably, "It Depends". Understanding what it depends on is a function of what variables we are prepared to consider determinative. The ultimate question in human rights is "Is it fair?" The answers may well be "it depends", but on what will place reliance on deciding the solution? That depends on what we know.

Do we know that many in our country have been arbitrarily excluded from the economic mainstream? Do we know why? Do we care? We can't care unless we are taught that there is a problem, that it has victims, and that we have a stake in its resolution. Have we been trained to probe, to challenge, and above all, to empathize? Do we see education as a lifetime pursuit, or is it the mere acquisition of documentary proof that a standard of qualification has been achieved? Do we appreciate the vulnerability of young minds to insidious nuance, or do we judge educators by their simple capacity to transfer facts? Does the media ascribe to the public a thirst for intelligent analysis, or does it cater to a perceived lowest common denominator of intellect?

In other words, is education an exhortation to be our best selves, or is it just one in the taxonomy of public entitlement we wish to discharge with moderate competency? With all due respect to transportation, fiscal policy housing, health care, courts, or any of the other indispensable amenities we have come to presume to be part of the House of Good Governance, education is the foundation whose solid structure is the best defence against the hurricane winds of regressive ideologies. Without a thoughtful public, the house will be a hotel of transients, alternating members of the public welcomed from time to time by expedience, none of whom can claim ownership or even its possibility with any certainty. We must have a clear sense of who we are as a country and where we want to go, and we cannot do it unless we are grounded in education, fortified by knowledge, and protected by wisdom. If we don't know who and what we are, how can we possibly know what's fair?

One of Bernie Vigod's other life passions was his commitment to bilingualism. I accept that change is difficult, that it is easier to enunciate the need to accommodate others than it is to do it. And when I try to rationalize to myself why it is that so many resist the expanded tolerance and access human rights preaches, I explain to myself that is

because we are fearful of change and of the introduction of people or issues whose claim may be meritorious but whose impact is uncertain. And while I find this a legitimate explanation for temporary reluctance, I hasten to add that I do not find it a legitimate excuse for ultimate inaction.

But on the issue of bilingualism and biculturalism, I am at a loss to find either an explanation or an excuse. Bilingualism represents no change. This country's origin was bilingual and bicultural, and its future is as well. We made a bargain 123 years ago and built a country and constitution around those values. We enhanced them with a Charter of Rights, but we never replaced the mortar. It defines us as a nation, and if we are not prepared to recognize our roots and our national character, what hope is there for our having an understanding national personality. Being pro-French is no more being anti-English than being pro-female means being anti-male, or being pro-Aboriginal rights means being anti-Italian. These are not either-or propositions. Canada has many races, many religions, two genders, and two founding languages. All of them have a right to the same opportunity to maximize their potential, both as individuals and as individual members of their particular race, religion or gender. One of those groups, one of the first in fact, is francophone. They are entitled to expect that we will honour our bargain linguistically and culturally, and we are obliged to turn to sheathe our weapon of intolerance and get on with the nation-building enterprise we started in 1867.

They are our partners, not our adversaries, and the longer we spend hurling rhetoric and resistance at each other, the longer it will take to make common cause over the issues we jointly have responsibility for. We have allowed the agenda to be captured by those seeking pieces of the pie. And we have forgotten that everyone is entitled to the whole pie. If the pie is not big enough, let us work towards expanding it. If it is not nourishing enough, let us add the ingredients it needs. But this "Me First" clamour, which threatens to turn into a "Me Only" chorus, does none of us proud and puts a wonderful country at necessary risk. Neither the merit, the economy, nor productivity are jeopardized by an opening of the minds and systems of Canada to a pluralistic competition - these are the very measures in fact that human rights invokes in attempting to reverse discrimination by urging inclusion for all who are qualified or qualifiable, but were traditionally and unjustifiably not so designated. We all lose by denying options to those who would contribute, a loss outrageous in principle, unforgiving in context, and cowardly in retrospect.

This brings me to the origin of Bernie's passion for the Holocaust remembrance and his fierce aversion to anti-Semitism. It is not an easy undertaking to ask the heart to explore the brain for language that expresses pain, but I want to try to explain why people like Bernie Vigod devote such fervour to their commitment as Jews to the eradication of discrimination, why they believe that when there is discrimination against some, all of us are violated.

There are events in our history from whose shadow we can never emerge. They are moments of such irreversible images, that they enter the soul of history and cry out through the generations not to be forgotten. The holocaust was such an event.

And how did the world respond? Tentatively. Some expressed their horror but were not sufficiently moved to open their doors to the victims; and Canada, as the book *None Is Too Many* so powerfully describes, in one of her most shameful hours, put the arguments of national unity, economic viability, and anti-Semitism, over humanity.

The Jews of Europe begged the world to be released from their horrible victimization, begged for entry to be released from their dehumanization, and begged for refuge to be released from destruction. We now know the world's answer - it was an echo of neglect that reverberated throughout history, a dispassionate litany of rules, regulations, and priorities whose message was clear: victims you have been, victims you are, and victims you will remain.

The Holocaust is the legacy of this neglect. Six million innocent people, who happened to be Jewish, no longer laugh, weep, love, think or create. The world has lost, and lost cruelly, not only the minds and hearts of millions who died in utter despair at the inconceivable indifference that permitted their loss, it has lost the right ever to be surprised when a single Jew speaks out at the sight of injustice. Our experience in those unspeakable years left a searing imprint in our collective consciences. Where were our friends, who were our friends, and why were we so alone? We may with time come to better understand why the world was indifferent, but we will never come to accept it.

And if there are those who urge us to permit time to wipe away the horrors and forget the crimes of the past, they must be told with equal urgency, that to forget the indignities and horrors of the past is to permit their recurrence. As an historian, Bernie understood clearly that history is a teacher. It trains us for the future by reminding us of what we came from. History does not exaggerate. It can be placed in context, but it can never be undone. And in its explication of what was, history shows us what should never be done again. The Holocaust left those who survived dumb-founded by its inception, stunned by its continuance, shaken by its acceptance, and decimated by its completion. How can we be expected to ever forget the sheer horror of being denied the very right to exist? Of course it was arbitrary, of course it was immoral, and of course it was uncivilized. But it was also unforgivable, and we ought not to waste the tiniest ounce of energy on persuading anyone of the need to remember with tenacity and vigour, this cornerstone of our history of this century. We in turn need ask no one to forgive us this preoccupation.

It has taught us much. It has taught me that we can never value anything more than justice; that we can never put economies over dignity; that we can never appease bigotry; and that we can never sacrifice morality to expedience. We can never be indifferent. We are the generation that saw and survived the Holocaust. We must therefore be the generation, as Jews and non-Jews, that rails most vigilantly against the intolerance that produced it. There may be risks in insisting on this expanded vision, but they are nothing compared to the risks of ignoring inhumanity. The banality of evil must never blur our capacity to see it. And having seen it, to identify it, fight it, and extinguish it. What can we leave our children if not intense loyalty to humanity, and a passionate commitment to its civilized expansion. Each of us, in our own ways, in our own fields, and in our own families, must face the future proudly. Bearing the lessons of our history as weapons against an indifferent present, we must each be proud of who and what we are, courageous in our uniqueness, and generous in our willingness to fight for what we cherish. We cannot undo history, but we can, as a generation humbled by its awesome power, contribute to a powerful momentum against its repetition.

Many are so pained by the experience that they prefer to mourn in private and get on with their lives. This is a perfectly understandable position to take and we should be sensitive to those Jews among us, who, shattered by the horror, prefer in their despair, to suffer in silence. But we must never let the horror escape public attention. It is one thing to carry private pain and wish that it never happened, and it is quite another thing to forget that it has happened. With information comes responsibility - the responsibility to protect and entrench the memory of the past so as to defend against any violations of the future.

In addition to its universal lessons for humanity, the Holocaust has had powerful impacts of a more private kind. For me, as a Jewish woman deeply marked by her family's past and as one who holds survivors in awe for their persistence in rebuilding healthy lives, I am shaped in two fundamental ways. The first is that I feel an obligation to repay them for their efforts they made to reconstruct their lives, and to prove that it was worth their effort. Most survivors derived the energy and sustenance to carry on from their hope of guaranteeing for their children a life free from pain.

They succeeded and we are a fortunate generation - our lives have not been horribly uprooted, nor did we have to bear witness to parents, children and spouses dying cruelly and unnaturally. And with this strength should come the capacity for generosity, and an insistence on vigorous regard for the rights of others. This generation has the gift of survivorship and it both enables and obliges us to live our lives to the fullest limit of our abilities. We have undoubtedly the right to live private lives, but we must also have a fundamental sense that we must make, too, a public contribution in whatever ways our capacities direct us.

The second major influence I have felt is even more profoundly affecting. I cannot take anything or anyone for granted. One comes away from the history of the Holocaust with a driven urgency for life - having watched a whole people intolerably interrupted in midlife, one learns to appreciate intensely the fragility and temporal limitations of our own lives. There is, as a result, a compelling need to make the most of the opportunities you are given and to value, cherish and nurture the people you love. It is not an unbridled drive - it is firmly circumscribed by the values one equally strenuously embraces. There is no competition with others; the competition is with time.

Those of us who have survived are the remnants of history to fate. To us, the memory must never die and we must do everything in our power to keep it alive as a source of personal inspiration, and of commitment to compassion and justice.

And so, what do we learn from the Holocaust? To fear nothing but injustice, to value little more than integrity; and to forgive everything but indifference. These values the world forgot for one horrible moment, and we the survivors, Jewish and non, in honour and memory of those who were its victims, must pledge to translate their and our loss into a fierce commitment never to let indifference overcome justice or integrity in the pages our generation donates to history. There must be no more victims.

I said at the outset that this lecture was about human rights and the legacy it seeks to promote. I also said that it was a legacy Bernie Vigod spent a lifetime promoting.

When we lose someone so critical to the centre of consciences and consciousness, we feel their legacy most by the extent to which our own lives are shaped by the directions they inspired. Tonight, I am deeply proud to participate in this legacy, and to lend my voice to the chorus for fairness so brilliantly and unforgettably conducted by Bernie Vigod.