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The Troubling Modesty of Human Rights

Samuel Moyn (2018) *Not Enough: Human Rights in an Unequal World*. Cambridge, MA: Harvard University Press.

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An important issue in critiques of neoliberal market structures is the relationship between global capital and international human rights law. Samuel Moyn's recently published work substantially illuminates this relationship by chronicling precise moments in history where the trajectory of human rights made consequential turns to perpetuate an unequal global system of distribution. Though primarily a work of descriptive history, the book uses evidence to support a critique of human rights, demonstrating its shortcomings and eventual subservience to an era of transnational market liberalization feeding the ongoing phenomenon of global inequality.

Moyn opens with a compelling claim: any account of contemporary social rights – rights to education and work – must acknowledge their historical roots in a distinctively egalitarian age: the post-war Welfare state. Within this context, economic equality and sufficient provision served as goals of social rights; a ceiling to prevent some from having more with a floor to ensure that all have enough. Moyn traces this ideological pairing to the Jacobins in 1789 Paris, marking decisive points in French intellectual history where the clash between ideals of sufficiency and egalitarianism, spanning thinkers from Jean Jacques Rousseau to Thomas Paine, were most prominently carried out. The end of the 18th Century saw sufficient provision emerging as a greater priority with Paine's efforts to stave poverty through universal basic income. The subsequent neglect of egalitarian distribution was inherited by post-World War II socialists, who framed social rights in the language of 'to each according to his needs.' Moyn recounts how theorist after theorist ingrained the idea that social rights were built on life's necessities, inadvertently downplaying the ideal of just distribution that, for the Jacobins, thrived as its main counterpart. Yet history abruptly shifted when the Jacobin synthesis resurfaced in 20th Century social reform projects. An ethics of egalitarianism crept back into class negotiations in Europe and England, signaling the presence of a collective unity bound by

economic relations. These movements sought to establish both sufficiency and egalitarianism, thus reviving the original Jacobin pairing in the 20th Century Welfare state.

Moyn expands his investigation of the Welfare state to a global setting in chapter two, arguing that its position as the founding context for the Universal Declaration of Human Rights (UDHR) has become obscured in current international affairs. Despite its modern invocation as a shield against abuse and genocide, the UDHR's 1948 drafting held commitments to distributive justice, albeit doing so poorly. Moyn documents the years preceding the UDHR's drafting, where social rights in 1940s Europe sought to establish a social minimum, which, when examined through their broader goals of social redistribution, reveals a commitment to egalitarian welfare. Moyn takes the Soviet Union as a telling case study, chronicling its enactment of policies that, although advancing claims for sufficiency, did so *within* calls for a *classless* society. The original aspiration of developing states was then more about distributive justice, and less about human rights. Moyn chronicles how the UDHR took a decisive turn in its first negotiations, where the distributional policies that were expected to become the document's primary concern became overshadowed by priorities for national sovereignty in the face of marginalized states. It was largely ignored as a charter for national welfare, and subsequently dropped its welfarist base of distributive equality to focus on other priorities for sovereign aspirations and anticolonial programs, eventually becoming the now-familiar template for the international recognition of peoples.

Chapter three focuses on distributive policies in 1940s America and the famed New Deal. With Roosevelt's 1944 Second Bill of Rights speech and its association of rights with provision and security, history would remember that post-war America governed by providing what citizens needed by virtue of their humanity alone. Yet delving into the origins of the New Deal reveals undeniable aspirations for a regulated economy. Moyn argues that the New Deal initially sought to plan a more egalitarian polity, rather than merely establish a social minimum. Yet despite successfully moderating inequality, reformers failed to institutionalize regulated markets. Moyn credits key players within the New Deal's lifetime, such as Charles Merriam and the National Resources Planning Board, with a slow re-prioritizing of living standards amidst projects to establish an egalitarian economy. Minimum rights to food and shelter became the ideals of democracy, leading to the familiar trope of rights as protection against state authority. Roosevelt's famed Second Bill of Rights was then put forth within this backdrop. Moyn notes that although he embraced a social minimum, Roosevelt still sought to prevent oligarchy by establishing clear thresholds in varied

areas of material provision. Yet this was not enough to meet the veneration of individualized liberty and corporate-driven privatization that was gaining clear momentum. Influential thinkers like Friedrich Hayek began to cast suspicion over state planning and economic control. By 1945, the effects of economic security that the Second Bill of Rights only partially endorsed had made its full impact, and the promise of an American welfare state died.

Chapter four examines distribution and social rights within the global post-war context. Moyn argues that the just distribution of goods became a globalized ideal with the post-war decolonization of states. These new states prioritized an egalitarian social justice and elevated welfarist ideology to the global stage. Moyn examines 1950s Ghana and India, citing their leaders' commitments to fairly distribute resources. True to the welfare model, these commitments were not separate from, but *predicated on* sufficient provision that was regarded as inseparable from economic equality. Yet the rise of welfare states did not achieve aspirations for a welfare world. Moyn cites Gunnar Myrdal, who argued that it was now, in 1958, possible for the welfare state to be globalized. The problem, Myrdal argued, was that the very same nationalist policies that brought forth domestic welfare was preventing its internationalization. For instance, the global south, in seeking to perpetuate anti-colonial distributive goals, actively sponsored the UN's covenants on human rights law that promoted goals of national self-determination. Although the covenants tried to institute cross-border distributive obligations to achieve a modicum of global equality, the new postcolonial states, embroiled in treaties for self-determination, failed to see how global wealth transfer was justified, and paid little attention to its efforts. Similarly, the 1974 New International Economic Order fought to generate awareness of how connected the world had become, and how immoral the globalized economic hierarchy had grown. Yet, as Moyn observes, it could not stand up to the concurrent forces of human rights that generated exponential attention to sufficient provision and eclipsed the ideal of egalitarianism into obscurity.

Chapter five elaborates the ramifications of the international community's capitulation to pressures for national self-determination. Moyn chronicles how international social movements became increasingly defined in terms of individual rights, jettisoning past attention to distributive equality. The UDHR was conveniently redefined as a charter to protect individuals from state hegemony, jettisoning its original spirit of national welfare that empowered states to bring individual flourishing. Moyn supports this claim with discussions on Amnesty International and Human Rights Watch, observing how the former confined its focus to torture and political imprisonment, and the latter to a class-

free politics of civil libertarianism. Yet certain parties did not, like the rest of the world, simply forget material justice. In the Soviet Union, the Czechoslovakian dissident group Charter 77 saw no tension between socialism and human rights, and the Worker's Defense Committee in Poland similarly fought to guarantee price controls. Unfortunately, these outliers could not turn the looming tide. Massive development projects in the 1960s were leaving the poor behind and exponentially widening inequality. Moyn credits the economist Mahbub ul Haq with the rueful view that massive inequality had to be tolerated for a future welfare world to arise. Haq adopted a cynical attitude of welfare as a utopian dream that should be bracketed in light of greater problems at hand: poverty alleviation. Moyn frames Haq as a prime example of figures in history making an ethical *choice* that elevated basic provision at the expense of material equality; that the imperative to aid the poor arose from a rejection of competing values. Throughout the late 1970s, closing the gap became an impossible dream; it was wiser to focus on what was deemed possible.

Moyn devotes chapter six to a historical recount of human rights in contemporary philosophy, putting forth a key observation: the rise of international ethics in the 1970s led to a philosophical invention of 'global justice,' that, though purporting to be a scaled-up version of John Rawls's distributive equality, became an ethics of destitution in light of scandalous famine, eventually finding an ally in the human rights movement. Several major figures are discussed: Peter Singer, Charles Beitz and Henry Shue. Singer's famous moral demand to increase philanthropy and alleviate suffering is symptomatic of the intellectual trend that Moyn observes. Suffering was framed as a moral problem of what the rich owe the poor, supporting a humanitarian logic that was already pertinent in penurious African and Indian communities. Yet for Moyn, Singer's approach was unsatisfactory in establishing any form of egalitarian outcome. Despite conceiving of all suffering as equal, attention was given only to the most grievous wrongs. As a result, Singer's ethics sought to lessen evil rather than eliminate it. For this reason, Moyn critiques Singer for ignoring an institutionalized world order and reducing ethics to little more than personal charity. The baton of rescuing the poor was passed to Charles Beitz, who argued that a Rawlsian theory of justice limited to states could not support an age of multinational industry, and had to be reprioritized to the global stage. Yet Beitz's concept of global justice was not of states, but of individual citizens. It was thus ethically preferable, in Beitz's eyes, to focus on violations of individual rights across borders, rather than dismantle hegemonic state economies. But perhaps the most pointed critique that Moyn advances is toward the Oxford philosopher Henry Shue, whose landmark work *Basic*

Rights reflected a moment when US foreign policy based its ethics on elevating suffering, anticipating today's era of global justice that prizes sufficient provision across borders. Moyn chronicles the route that Shue took – from his research in South East Asia to his associations with foreign policy activists – to show how his ideas eventually overturned Rawls's priorities in demonstrating that subsistence should command priority over liberty. For Moyn, Shue made the final intellectual shift, where social justice was globalized and minimalized, and equality dropped in the name of sufficiency.

The final chapter presents the concluding argument of Moyn's project. Moyn sums up his history of human rights with a bold evaluation: although human rights did not aid neoliberal inequalities, they were nonetheless connected to unequal material arrangements that were undoubtedly violations of human dignity. The chapter narrates the rise of human rights and the decline of socialism, showing how the former conveniently filled the vacuum left by the latter to become the true language of justice. Movements championing basic necessities for human survival, though in no way operating on neoliberal pretenses, diverted attention away from the exponential increase in inequality. These movements failed to maintain any commitment to material equality, peacefully co-existing with a global hierarchical economy that it saw no reason to disturb. Numerous organizations such as the International Labor Organization recast itself as human rights watchdogs that promoted fair wages under minimal working conditions, but within a framework that dropped all aspirations for equal outcomes and the balance of class power. It was the classic problem of the bystander, neither abetting nor abjuring, but watching apathetically as free markets spun out of control. It did not help that efforts were made to legally enforce a minimum core of basic provision within states, further ingraining the idea that raging degrees of inequality were not, or, in light of abject poverty, *could not be*, a priority for government. For all the universality and benevolence that human rights offered, their economic payout remained ironically minimal.

For Moyn, the problem of human rights is thus a problem of unbalanced priorities. Human rights may have built a floor beneath which states cannot descend in protecting and providing for their citizens. Yet in doing so, they inadvertently allowed neoliberal economic ideology to obliterate the ceiling by which affluent wealth could remain in check. Removing this ceiling then perpetuates the very problems that human rights seek to resolve. This forms the conclusion of Moyn's book: the troubling *modesty* of human rights governance; that rights, as mere necessities to combat an unforgiving global economy, are simply not enough.

Three brief points of reflection. First, one wonders whether proponents of a sufficient minimum have truly *rejected* moral aspirations to establish egalitarian distribution, or have merely *bracketed* such aspirations in order to communicate the gravity of human suffering. One need not make a terminal choice between the two – as evident in Moyn’s own account of Jacobin welfarism – and one wonders whether Moyn’s interlocutors have indeed made such a choice. To call welfare a utopian dream may be more an assessment of the current human condition than a cynical dismissal of its potential, and to say that egalitarian distribution is not within one’s locus of operations is not to invalidate it in any way. For instance, although Shue’s rethinking of what a right is may inadvertently jettison egalitarian aspirations, one struggles to find an obvious statement of such intentions in his discussion of liberty and subsistence. In fact, Shue seems to hold similar aspirations with Moyn when he invokes Nietzsche’s disdain for a ‘morality of the depths’ in his discussion of basic rights as a moral requirement, remarking that ‘his [Nietzsche’s] eye was on the heights, and he wanted to talk about how far some might soar, not about how to prevent the rest from sinking lower. *It is not clear that we cannot do both*’ (Shue, 1980: 18-19; emphasis added). For Shue, achieving utopian ideals is not an absolute alternative disconnected from maintaining the floor that Nietzsche dismisses. One then imagines a point of overlap between Moyn’s argument and Shue’s critique of Nietzsche, where a ‘morality of the depths’ does not prevent us from soaring to the heights – whether this be defined as egalitarian solidarity in a global economic equilibrium, or as the *ubermensch*’s aspirations for dignified power and glory. Rather than leveling a strong critique that human rights has allowed evil to persist, we can perhaps advance the softer claim that detractors from egalitarianism have simply sidestepped the broader issue at hand; that in their conceptual framing of the problem, they have missed the forest for the trees.

Second, one wonders why Moyn confines equality to the just distribution of material resources and wealth, given his choice to invoke the communist dissident Zdena Tominová’s remarks in her 1981 Dublin lecture as part of his introduction: ‘if this world has a future, it is as a Socialist society, which I understand to mean a society where nobody has priorities just because he happens to come from a rich family’ (Tominová, 1983: 119). For Tominová, heaven on earth is where wealth no longer plays a factor in living with dignity – a world pointedly different from the material egalitarianism that Moyn calls for. Tominová’s dream of ensuring that a citizen’s wealth does not encroach on the livelihood of his neighbor may not be the same as Moyn’s suggestion to have every citizen possess relatively similar amounts of resources. Perhaps what

would be enough is not any kind of distributive policy – whether of subsistence or egalitarianism – but to *provide* people with the means of achieving the good things in life by *preventing* others from excessively obstructing their ability to do so. What may *then* follow from this commitment is an outcome where all enjoy equal access to material resources. Reading Moyn’s work in light of Tominová’s speech, one wonders if fair distribution perhaps functions better as a means rather than an end.

This leads to the third point of reflection. Moyn’s travel through the history of human rights leaves us with an uncomfortable reality: in allowing unregulated market freedoms, the legacy of rights has made human flourishing extremely difficult to achieve, even as it has ensured human survival. Are we then caught in a bind, where survival is the best we can hope for? On this point, recall Martha Nussbaum’s capabilities approach, which ‘reflect[s] the fact that Aristotle used a notion of human capability (*dunamis*) and functioning (*energeia*) in order to articulate some of the goals of good political organization’ (Nussbaum, 1997: 275). Nussbaum’s teleological approach to rights re-configures basic entitlements as allotments for human beings to achieve goals that are augmented from those entitlements. Moyn and Nussbaum may then share similar contentions that a heavy focus on basic entitlements is theoretically insufficient. Yet Nussbaum takes survival as the very catalyst by which flourishing is achieved; a floor that empowers more than it protects. Rights then become *part of* any utopian world by emphasizing human potential as an aspect of the natural, self-evident dignity of the human being. The point of providing base necessities is, after all, to aid individuals in living their best possible lives, of which a just distribution may simply follow as a concomitant aftereffect. If the current age of rights-based freedoms cannot do this, as Moyn has cogently argued, then its practices must be re-evaluated. Moyn’s history of human rights is then a trenchant argument that our priorities must once again shift to fulfill the potential of our current age. Human rights have served their function to protect and sustain, and must now broaden its ambitions to suit a world that, though desperately in need of salvation, is simply brimming with possibilities.

Theodore Lai
MA Candidate in Political Philosophy
University of Chicago
email: theodorelai@uchicago.edu



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