

Review

Not Enough: Human Rights in an Unequal World

Samuel Moyn. Cambridge, MA: Belknap Press of Harvard University Press, 2018. 296pp.

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These are troubling times, in which we appear to be facing an ever-expanding litany of harms and injustices entirely of our own making. Our awareness of these pathological conditions is expressed through various critical perspectives and platforms, which together reinforce a pervasive sense of crisis. We all contribute to the making of our world in a variety of ways. Few of us can claim to possess entirely clean hands when it comes to accounting for how the world could have become so disenchanting and so unpleasant for so many. However, some may wish to claim that the very purity of their cause provides them with a secure alibi. The sounds of utterly marginalized voices do not carry very far and

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remain inaudible to those who occupy the various sites of economic, political and legal power. This cannot be said of human rights, which cannot claim the status of ignored outsider. In a relatively short span of time, human rights came to fill the mouths of countless millions of people in their attempts to give voice to “justice.” Human rights, at least according to many of its most ardent supporters, is the language of humanity. Setting aside the metaphysical presumptions of such sentiments, the very fact that so many human beings across the world, including so many of the most and the least powerful of humankind, adopted the language of human rights appeared to confirm its status as the globe’s foremost moral doctrine for the public sphere. The elevated status of human rights does not rest upon rhetoric alone. That human rights occupy a prominent place within the global order is apparent in a variety of ways and settings, one of the most visible of which is the rapid development of an entire body of international human rights law. The moral power of human rights was given hard, concrete form through the hard, concrete institutions of international and domestic law. Through its legal embodiment, human rights became an integral component of the global order and, in so doing, lost the moral alibi afforded those doctrines that seek only to protest and condemn from the sidelines.

Unable to claim the defense of impotence through irrelevance, supporters of human rights are increasingly confronted with a very uncomfortable and inconvenient truth. The world has spiraled into a series of crises during the same period as human rights became the moral *lingua franca* of the self-same global order. Is this a mere coincidence, as some supporters would no doubt prefer to think, or is there a relationship between these two ostensibly entirely contradictory phenomena? Irrespective of one’s opinion of the ultimate potency of human rights, the doctrine is, I believe, entering a new stage in its historical development, characterized by growing skepticism and doubt over its ability to address some of the greatest challenges that currently face humankind. Beyond academic circles, many have become openly critical of human rights and dismiss them as a partial credo for unrepresentative sections of society. Condemnation of human rights has become part of the political armory some, particularly so-called “populist” politicians and parties, have successfully utilized in their pursuit of voters’ support. Within the (almost entirely) anti-populist enclave of academia, there is a steadily growing body of literature that in differing ways is also increasingly critical of the ostensive failures of human rights to deliver on its promises. Amongst this select constituency, the historian, Samuel Moyn is

increasingly considered to be one of the most important voices in this chorus of disenchantment.

Moyn argues that, in its established and dominant form, human rights is heavily implicated in the making of our present crisis-prone age. Specifically, and in contrast to what remains the prevailing view within human rights circles, he insists that human rights can be firmly placed at the scene of the on-going and specific moral crime of global and domestic material inequality, which, in turn, is severely disrupting so many other areas of shared human existence. Moyn has developed this critique through various publications (2010 and 2014), but his latest book provides the most detailed and comprehensive account of his indictment against human rights.

As the title of his book makes clear, Moyn declares that human rights is simply *not doing enough* to morally and practically challenge one of the most intolerable and harmful pathologies of our current age: gross material inequality. He condemns human rights and much of the human rights movement for a lack of moral ambition and an effective subservience to global economic and political forces that are the principal architects of the problem. In his previous book, Moyn challenged the conventional genealogical narrative that human rights was a direct and immediate response to the horrors of World War II and the Holocaust. In his latest, he extends his skeptical analysis of human rights by depicting and condemning the failures and inherent weaknesses of that body of rights most urgently required in times of profound and systemic material inequality: social rights.

Not Enough offers a meticulous history of responses to poverty and distributive inequality, spanning two millennia, whilst simultaneously seeking to provide a detailed history of social rights. Moyn's historical vision encompasses the Bible, the French Revolution, the development of the European welfare state, Franklin D. Roosevelt's short-lived attempt to entrench social rights within a second U.S. Bill of Rights, various international initiatives to promote economic justice in the post-colonial era, and several intellectual endeavors to define the basic material needs of humankind. It concludes with a detailed study of the veritable abandonment of social rights as human rights during the neoliberal age, which we have yet to overcome and which he condemns as the principal cause of gross inequality.

Moyn's history of social rights presents a highly sophisticated and detailed analysis of a collection of global and domestic attempts to alleviate poverty, particularly during the twentieth century. However, his own normative indictment of contemporary human rights rests on two salient argumentative elements: his claim that social rights quickly abandoned the pursuit of material equality in favor of mere subsistence; and his analysis of the human rights community's failure to challenge robustly the consequences of the global dominance of neoliberalism.

The official UN-endorsed dogma proclaims that all human rights are of equal importance and standing. In reality, human rights have achieved some of their most noteworthy successes primarily in the field of civil and political rights. Based upon the fundamental norm of equality as non-discrimination, the global human rights community has successfully challenged systematic forms of status inequality across the globe. Discrimination based on an expanding range of personal identities is outlawed in very many countries, while the struggle continues in those where it is not and indeed, where discrimination flouts the legal taboo through endless social, cultural and religious beliefs and practices. There are mountains still to climb, but some notable progress has undoubtedly been achieved. There is a distinct body of opinion within the human rights movement that argues that priority should be given to supporting civil and political rights campaigns precisely because this is where successes are most readily secured. This sometimes pragmatic and sometimes ideological preference for civil and political rights nevertheless rests upon an awareness of the greater obstacles confronting the realization of similar successes in the field of social and economic rights. Amongst those who accept that social and economic rights are genuine human rights and there are many, including successive U.S. administrations for example, who unequivocally do not, a more temperate and markedly less fervent set of attitudes prevails. Moyn's analysis latches on to this manifest fault-line, which effectively subordinates the struggle against material inequalities within the human rights community to an acceptance of what he considers to be utterly intolerable conditions of material inequality.

Moyn argues that the moral objective of realizing status equality for all through the defense of civil and political rights did not extend to include the pursuit of distributive equality through a robust formulation and defense of social rights. While he acknowledges that the International Covenant on Economic, Social and Cultural Rights was an "epoch making event" for the normative establishment of social rights when it entered into force

in 1976, he insists and proceeds to demonstrate how social rights abandoned the pursuit of material equality and focused instead on the much less-demanding objective of securing sufficient material resources for all. He argues that the global human rights project is severely restricted by an internal distinction between equality and sufficiency. Where status equality remains essential to the pursuit of civil and political rights, mere sufficiency suffices in respect of their social rights counterparts. For Moyn, sufficiency concerns determining how far people are from having nothing, whereas material equality is concerned with overcoming the unjustifiable differences between different people. As a normative objective, sufficiency is entirely compatible with gross forms of material hierarchy and vast inequalities between people's material resources. While statistics such as the 22,000 children under the age of 5 years old who die each and every day from poverty-related causes darkly testify to our collective failure to satisfy the so much less-demanding objective of material sufficiency, Moyn argues that the reduction of social rights to the delivery of mere sufficiency marks a profound lack of moral ambition, whilst contributing to rapidly expanding material inequalities across the globe, from which many continue to die prematurely. The legal obligations which have been established for social rights are notoriously hamstrung by a pervasive lack of political will to enforce and implement them. However, Moyn deepens his critique by arguing that even if enforced and implemented, the norms upon which social rights rest are profoundly inadequate to the extent that they are compatible with profound material inequalities. He discerns the abandonment of the objective of material equality in numerous institutional, political and even intellectual developments. If human rights are essentially grounded in our humanity, as many of its supporters claim, and social rights are human rights, then the crippling consequences of material inequality across the globe marks a terrible failure of the human rights movement to deliver on the early promise contained within, for example, the Universal Declaration of Human Rights.

The abandonment of material equality in favor of mere sufficiency has also enabled human rights to co-exist relatively peacefully with the rise and global dominance of neoliberalism, the second element of Moyn's argument that deserves particular attention. He writes towards the very beginning of *Not Enough*, "the selective attention of human rights politics towards a minimum provision of the good things in life has made them unthreatening to a neoliberal movement that, sometimes achieving or tolerating that goal,

has devoted itself most unerringly to the intensification of material hierarchy” (xii). In keeping with a growing body of thinkers and activists, Moyn views neoliberalism as a profoundly damaging and harmful set of economic beliefs and practices. Unlike some others, such as Naomi Klein (2007), who has also dissected the relationship between human rights and neoliberalism, Moyn insists that human rights have not actively contributed to, or are a constitutive element of, neoliberalism. He clearly states that “neoliberalism, not human rights, is to blame for neoliberalism” (192). However, the reduction of social rights to a concern for mere sufficiency is entirely compatible with a form of political economy, which can, for example, justifiably claim to have raised hundreds of millions of people out of the worst forms of absolute poverty, whilst entirely dismissing the profoundly harmful effects of rapidly growing material inequalities as morally irrelevant, or a price worth paying for continuing growth. Moyn severely criticizes the global human rights community for having systematically failed to challenge the harmful consequences of neoliberalism. Characterizing human rights as an unconcerned or ineffectual bystander to what he considers to be the many catastrophic effects of neoliberalism, Moyn proclaims that “neoliberalism has changed the world, while the human rights movement has posed no threat to it” (216). The pervasive failure of human rights to robustly condemn and challenge neoliberalism is, Moyn argues, largely a consequence of its abandonment of the pursuit of material equality through social rights and its being prepared to make do with so much less. As he states, “human rights, even perfectly realized human rights, are compatible with inequality, even radical inequality” (213).

Moyn presents a damning indictment against legally codified human rights and the movement and institutions that uphold them. *Not Enough* aims to lay bare the crippling limitations of human rights in the face of what Moyn (and many others) considers to be the profoundly harmful consequences of the political economy to which we are all exposed. By seeking to present growing material inequality as one of the greatest pathologies of our time and laying bare human rights lack of concern for material inequality, Moyn calls into question the continuing appeal and moral authority of a profoundly limited and what he views as an unfit-for-purpose human rights doctrine. He concludes by insisting that, if the human rights movement does not embrace a far more politically and economically radical set of commitments and strategies, neoliberalism will continue to enrich the very few, whilst concertedly exposing the rest of us to socially and politically unsustainable levels of uncertainty and instability. Seeking to avoid discarding the baby with the bath water, Moyn

declares that the normative spirit of human rights does, by embracing more radical perspectives, have a role to play in challenging the causes of material inequality. He has in mind perspectives that focus upon (and seek to change) the underlying structural conditions which generate the many pathologies of our age. He contrasts this with the long-standing trait of the human rights movement, which concerns itself with seeking to alleviate the surface symptoms of, for example, profoundly unjust forms of political economy. On the final page of his concluding chapter, he boldly declares that “it is time...to relearn the older and grander choice between socialism or barbarism, and time to elevate it to the global project it has rarely been but must become” (220). A radically reformed version of human rights does, he asserts, have a legitimate and important role to play in fueling the global movement he calls for, but this will require profound changes to occur within the existing human rights movement.

Not Enough can be read as culminating in a call-to-arms to those who can no longer ignore the manifest failures of the human rights movement to realize the kind of world envisaged by the Universal Declaration of Human Rights. This book will, I suspect, add to Moyn’s status as one of the foremost contemporary critics of what I have referred to elsewhere (Fagan, forthcoming 2019) as the Geneva-fixated constituency of the human rights movement. I agree entirely with Moyn, that there is an urgent need for the human rights movement to reflect concertedly and seriously upon its failings and many shortcomings. Far too often, the human rights movement has defended itself against criticism by attacking those who, in some cases, seek to strengthen the project, rather than destroy it. Like Moyn, I situate myself within the camp of critical supporters of the as yet unrealized potential of human rights.

Having lauded the principal normative purpose of Moyn’s critique of human rights, I turn now to identify briefly, what I consider to be some its more serious shortcomings.

While Moyn is manifestly concerned with the fate of so many “ordinary” people, for want of a more precise and less-loaded phrase, his analysis overwhelmingly focuses upon the actions and words of world leaders, principal global institutions and bodies, policy pronouncements, regional initiatives spear-headed by local elites, and the debates which highly-respected academics have waged over the meanings of sufficiency and inequality. In many ways, Moyn’s narrative is dominated by the doings of the “haves,” rather than the

experiences of those with less and the “have-nots.” He may thereby be accused of unduly prioritizing the machinations of the “establishment”—notwithstanding his evident intention to condemn the effects of their actions. However, his analysis proceeds in a way which largely ignores the testimonies and documented phenomenology of those who he, like many others, then represents obliquely as mere evidence for the prosecution in his indictment of the state of things. Every social and political critic and radical depends upon the sufferings of others. An essential attribute of a genuinely radical perspective, however, is the ability to engage with these others in ways that enable their own voices to be expressed in their own terms, rather than always being entirely mediated by the elaborate codes of the highly educated. Moyn’s disproportionate focus upon the “top-down” axis of the ongoing catastrophe of neoliberalism succumbs to the partiality of much academic writing on inequality and marginalization. This is obviously deeply problematic for a book which, quite rightly in my view, argues that the human rights movement has systematically ignored the sufferings and frustrations of “ordinary” people. Moyn, I fear, may be accused of having succumbed to the same failing.

Another significant omission in Moyn’s book consists of the scant attention he pays to the rapid growth of right-wing populism, particularly within countries such as his own where pervasive material inequalities appear to exercise a significant role in driving electoral hostility towards would-be beneficiaries of both status and material equality within the population. He mentions populism only once (210) and then only in unduly generalized terms. In a number of respects, this is a serious shortcoming in a book dedicated to analysing the contemporary challenges facing radicals and more temperate progressives alike. For example, his radical call-to-arms towards the very end of the book sounds somewhat “wishful” against the background of unequal populations venting their frustrations not against unjustifiable hierarchies, but against other victims of inequality and in ways that ultimately serve to bolster the existing status quo. The electoral successes of right-wing populists (who are hostile towards human rights) pose a major obstacle to the development of the kind of radical movement to which Moyn gestures. Of course, for every action there is invariably a reaction and left-wing radical politics is also on the rise in these times of liberal crisis. Moyn clearly has the left-wing camp of radicals in mind when he insists that it is time to decide between barbarism and socialism, but absent a violent Leninist overthrow of global capitalism, his sentiments remain exactly that: sentiments. Marxism has long scorned the “uncritical critic” who dreams up utopian visions of a

socialist future, whilst entirely ignoring precisely how that end may be materially achieved. There are some who may similarly condemn the melancholic utopianism of Moyn's political sentiments as impotent wishful thinking.

Following the above line of criticism, like many other critics of human rights before him, Moyn does not intend to completely and uncompromisingly reject human rights, which may puzzle some whilst reassuring others. I welcome his continuing commitment to the radical potential of human rights, however his assertions to this effect are, to put it mildly, rhetorical at best. Having delivered such a detailed diagnosis of where human rights have failed to stand up to neoliberalism, his comments in the concluding chapter gesture towards the potential for human rights to aid and abet movements for radical reform without explaining how they might do so. How precisely can the human rights movement disentangle itself from its connections with the forces of global domination? Moyn's language in the concluding chapters suggests a redeemed future for human rights as some element of a radical oppositional movement. This will resonate with many who see little value in conventional forms of political engagement. But, how is such a movement to act and why should human rights provide an essential tool in its adversarial engagements? After having presented such a damning indictment of the moral and political failures of the human rights movement, Moyn needs to provide a far more fleshed-out account of how the movement may be redeemed.

Finally, the core element of Moyn's entire normative thesis is based upon the distinction he draws between equality and sufficiency, which enables him to condemn the human rights movement's abandonment of the former in preference for the latter. Moyn is unequivocal in his condemnation of the human rights movement's general neglect of the equality ideal. However, nowhere in *Not Enough* does Moyn provide a detailed normative formulation or defense of his own understanding of equality. He condemns others for failing to take seriously an ideal that he himself does not attempt to define and defend in ways that his critical analysis requires. As an historian, rather than a philosopher, he may be excused this unwillingness to venture beyond his expertise. Given this constraint, he could have analyzed the human rights movement's engagement with equality immanently and sought to demonstrate the movement's practical failures to meet the exacting demands of the existing ideal as it figures within the human rights credo, but he did not do so. Moyn's

broader intellectual and political project requires a serious normative engagement with an ideal that he bases so much of his argument upon.

Not Enough is undoubtedly a serious piece of historical scholarship which will be read by many and, I strongly suspect, cited by many more. It adds weight to the momentum building within radical circles and offers an important account of how material inequality could have been so overlooked and marginalized within the globe's moral *lingua franca*. Moyn's central argument, however, while intuitively appealing, requires a more detailed and nuanced supportive framework, if it is to offer an instrument capable of demonstrating how human rights can play an essential role in our attempts to withstand these deeply troubled times.

REFERENCES

- Fagan, Andrew. (Forthcoming, May 2019). Identifying and Confronting the Gentrified Elitism of Human Rights, *Human Rights Quarterly*.
- Klein, Naomi. (2007). *The Shock Doctrine* (London: Penguin).
- Moyn, Samuel. (2010). *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press).
- Moyn, Samuel. (2014). A Powerless Companion: Human Rights in the Age of Neoliberalism, *Law and Contemporary Problems* 77, 146–69.