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Before reading

Discuss the following questions.

- a. How do you define human rights?
- b. Do you know about constitution? How does the Constitution of Nepal guarantee the human rights?

Samuel Moyn is Jeremiah Smith, Jr. Professor of Law and Professor of History at Harvard University. In 2010, he published *The Last Utopia: Human Rights in History*, and his most recent book is *Christian Human Rights*. His areas of interest in legal scholarship include international law, human rights, the law of war, and legal thought, in both historical and current perspectives. In intellectual history, he has worked on a diverse range of subjects, especially twentieth-century European moral and political theory. He has written several books in his fields of European intellectual history and human rights history. His book *Not Enough: Human Rights in an Unequal World* (2018)



is the most recent work. He is currently working on a new book on the origins and significance of the humane war for Farrar, Straus, and Giroux. Over the years he has written in venues such as *Boston Review*, the *Chronicle of Higher Education*, *Dissent*, *The Nation*, *The New Republic*, the *New York Times*, and *The Wall Street Journal*.

In “Human Rights and the Age of Inequality,” Samuel Moyn deals with the drastic mismatch between the egalitarian crisis and the human rights remedy that demands not a substitute but a supplement. He points out that the human rights regime and movement are simply not equipped to challenge global inequalities.

Introduction

Start with a parable: Imagine that one man owned everything. Call him Croesus, after the king of ancient lore who, Herodotus says, was so “wonderfully rich” that he “thought himself the happiest of mortals”. Impossibly elevated above his fellow men and women though he is, however, this modern Croesus is also remarkably magnanimous. With his global realm, the modern Croesus outstrips the already fabulous wealth of his predecessor by a long shot. But he does not want everyone else to starve, and not only because he needs some of them for the upkeep of his

global estate. Instead, Croesus insists on a floor of protection, so that everyone living under his benevolent but total ascendancy can escape utter destitution. Health, food, water, even paid vacations – Croesus funds them all.

In comparison to the world in which we live today, where few enjoy these benefits, Croesus offers a kind of utopia. It is the utopia foreseen in the Universal Declaration of Human Rights (1948)¹, whose goal is to provide a list of the most basic entitlements that humans deserve thanks to being human itself. This utopia is one that, though little known in its own time, has become our own, with the rise in the last half-century of the international human rights movement – especially now that this movement has belatedly turned to mobilization for the economic and social rights that the Universal Declaration promised from the start.

We increasingly live in Croesus's world. It now goes without saying that any enlightened regime respects basic civil liberties, though the struggle to provide them is compelling and unending. Croesus hates repression and not merely indigence. He would never consent to a police state; he views the atrocities of war and occupation with horror; he glows with outrage when the word 'torture' is mentioned; he agrees cruelty is the worst thing we can do. But he also considers it outrageous, even as the sole inhabitant of the top, to live in a world of socio-economic destitution at the bottom. So-called 'social rights' matter deeply to him. Croesus's generosity, then, is as unprecedented as his wealth is. How could anyone trivialize what Croesus has to offer?

Let me try. For the value of distributive equality – any ceiling on the wealth gap between rich and poor – is as absent from the Universal Declaration, as well as from the legal regimes and social movements that take it as their polestar, as it is far from Croesus's mind. True, the founding document of human rights announced status equality: according to its first article, all human beings are born free and equal in dignity and rights. It may be true that, in a world devastated by the evils of racism and genocide, the assertion of bare status equality was itself a revolutionary act. Yet this same status equality implies nothing more. Nothing in the scheme of human rights rules out Croesus's world, with its absolute overlordship, so long as it features that floor of protection.

In itself, Croesus' willing provision of a floor of protection seems deeply flawed – immoral even – if it comes together with the most massive inequality ever seen. This is the point of the thought experiment: to remind us that human rights, even perfectly realized human rights, are compatible with inequality, even radical inequality. Staggeringly, we could live in a situation of absolute hierarchy like Croesus's world, with human rights norms as they have been canonically

formulated perfectly respected. Our question is whether we should continue to idealize Croesus's world as we continue to make our world more like it every day.

Human rights in the age of national welfare

Writing the history of human rights in relation to that of political economy would involve two big stages – with a possible missed opportunity in between. The first, clearly, was the heroic age of the national welfare states after World War II. At that time, human rights reflected a small part of a larger and universal welfarist consensus that united the otherwise bitter enemies of the new cold war in 1948 and for two decades after. Contrary to stereotype, the ‘West’ for a long moment agreed about the importance of socio-economic rights. Indeed, it was in part out of their own experience of socio-economic misery, and not only the threatening communist insistence on an absolute ceiling on inequality, that the capitalist nations signed on so enthusiastically to welfarism. Of course, America never got as far in answering the welfarist imperative as those European nations that chose Christian Democracy, social democracy, or (in the east) communist egalitarianism. But the reigning consensus even in the capitalist nations in that lost age went far beyond a basic floor of protection to include its own exacting ideal of a ceiling on inequality, which to a remarkable extent they succeeded (like the communist nations) in building to accompany their new floor of entitlements. Indeed, it is perhaps because human rights offered a modest first step rather than a grand final hope that they were broadly ignored or rejected in the 1940s as the ultimate formulation of the good life.

The assertion of human rights in the 1940s, in other words, is best understood as one version of the update to the entitlements of citizenship on whose desirability and necessity almost everyone agreed after depression and war. Franklin Roosevelt issued his famous call for a “second Bill of Rights” that included socio-economic protections in his State of the Union address the year before his death, but the most important three facts about that call have been almost entirely missed. One is that it marked a characteristically provincial America's late and ginger entry into an already foreordained North Atlantic consensus. A second is that in promising “freedom from want” and envisioning it “everywhere in the world”, Roosevelt in fact understated the actually egalitarian aspirations that every version of welfarism proclaimed, which went far beyond a low bar against indigence so as to guarantee a more equal society than before (or since). His highest promise, in his speech, was not a floor of protection for the masses but the end of “special privileges for the few” – a ceiling on inequality. The last is that though Roosevelt certainly hoped it would span the globe, it was to be nationally rather than internationally organized – in stark contrast to the assumptions of both political economy and human rights

as they have prevailed in our time.

The most interesting truth about human rights in the 1940s, indeed, is not that they were an optional and normally ignored synonym for a consensus welfarism but that they still portended a fully *national* project of reconstruction – just like all other reigning versions of welfarism. Everywhere in the world, and not least in Roosevelt’s America itself, welfarism was both announced and achieved on a national basis. The minor exception of the International Labour Organization to one side, in the 1940s, neither socio-economic rights nor a more ambitious welfarism were international projects, except insofar as modular nation-states experimenting with their own arrangements were supposed to answer to higher values of morality. Of course the Universal Declaration is international in source and form, but essentially as a template for nations – “a high standard of achievement for all peoples and nations”, as its own preamble tells us. This ought to be unsurprising. Welfarism had been national ever since the crisis between the world wars prompted state-led reconstruction. If ‘national socialism’ did not triumph as a slogan or a programme after World War II, it was in part because the name was taken but mainly because a more ecumenical national welfarism– my label – structured a debate about how far (not whether) the state would intervene into economic affairs to plan and manage growth, with a range of options from tweaked capitalism to full-blown communism. Indeed, a once more internationalist socialism had been reduced to the scale of the nation. Having never ascended above it, ‘welfarism in one country’ was the rule where full-blown socialism did not obtain, like various places in Western and everywhere in Eastern Europe.

Political economy ascended beyond the nation in the 1940s only for the sake of avoiding catastrophe if individual states failed in their obligation of countercyclical management of their own economies, never for the sake of either a global floor of protection, let alone a global ceiling on inequality. As economist and Nobel laureate Gunnar Myrdal explained laconically, looking back at this consensus about the geographical limits but relative generosity of post-war distributive justice, “the welfare state is nationalistic” (Myrdal 1960). The original relation of the Universal Declaration to political economy was thus the lowest set of guarantees for which the national welfarist experiment should strive, when conducted in the modular boxes provided – and divided – by political borders.

The harmony of ideals between the campaign against abjection and the demand for equality succeeded only nationally, and in mostly North Atlantic states, and then only partially. Whatever success occurred on both fronts thus came with sharp limitations – and especially the geographical modesty that the human rights idiom has successfully

transcended. It is, indeed, as if globalization of the norms of basic protection were a kind of reward for the relinquishment of the imperative of local equality.

Even the decolonization of the world, though unforeseen at the time of the Universal Declaration that accommodated itself to the empires of the day, hardly changed this relationship, since the new states themselves adopted the national welfarist resolve. The burning question was what would happen after, especially in the face of the inability of the Global South to transplant national welfarism and the wealth gap that endures to this day between two sorts of countries: rich and poor.

Another human rights movement?

Could a different form of human rights than the regimes and movements spawned so far correct this mistake? I doubt it. To be absolutely clear, this is not to contradict the moral significance and possibly even historical success of human rights when it comes to their core uses in combating political repression and restraining excessive violence. But when inequality has been contained in human affairs, it was never on the sort of individualistic, and often antistatist, basis that human rights do indeed share with their market fundamentalist *Doppelgänger*. And when it comes to the necessary mobilizational complement to any programme, the chief tools of the human rights movements in its most renowned and possibly successful campaigns – the critique of state repression and the melioration of disasters of war – are simply not fit for use in the socio-economic domain. It is in part because the human rights movement is not up to the challenge when it comes to each and every of its self-assigned tasks that it has been condemned to offer no meaningful alternative, and certainly no serious threat, to market fundamentalism. The success and prestige of human rights in our day – and the absence of other political approaches – has bred the mistake of the man who, lacking anything but a hammer, then treats everything like a nail. Croesus's world is safe from the drastic mismatch between need and remedy as human rights regimes and movements so far can present it.

In Herodotus's *Histories*, Solon's shaming of Croesus merely took him down a peg. It was only Persian armies that toppled him. The truth is that global socio-economic justice, like local socio-economic justice, would require redistribution under pressure from the rich to the poor, something naming and shaming is never likely to achieve, even when supplemented by novel forms of legal activism. Thinking historically, it can be no accident that the era of the moderation of inequality in the mid-twentieth century was also the age of both totalitarian regimes and a cold war that exacted an appalling toll on the world, including at the hands of the ultimate victor. At the zenith of national welfare, a floor of protection came linked to a ceiling on inequality, and both

were built together, only in the presence of frightening internal and external threats – a workers’ movement and a communist menace. In response to those dangers, change came thanks to a ‘reformism of fear’ – the working class was placated and untold violence was brought against enemies, often at home and always abroad.

Yet if the human rights movement at its most inspiring has stigmatized such repression and violence, it has never offered a functional replacement for the sense of fear that led to both protection and redistribution for those who were left alive by twentieth century horror. If a global welfarism is ever to be brought out the realm of the ideal where it is currently exiled, it will need to be championed not only as a programme but also by a movement. But it will not look like our human rights movement, which has become prominent as our world has become more like Croesus’s world each day. None of this is to say that human rights activism, to which Amnesty International made such an epoch-making and defining contribution in the last century, is irrelevant.

The stigmatization of states and communities that fail to protect basic values is – so long as it is not selective and a smokescreen for great power politics – a tremendous contribution. But human rights advocates in their current guises do not know how to stigmatize inequality, and not principles but a new political economy would have to be invented to actually moderate it. Most of all, history suggests that they are the wrong kind of agent: not fearful enough to provoke redistribution. Could a new form of human rights mount such a challenge? Possibly, but it would need to be so different as to be unrecognizable, and threaten the power to stigmatize in the face of the violation of basic values that activists have carefully and with much hard work learned to achieve. If this is correct, human rights movements face a deeply strategic choice about whether to try to reinvent themselves – or whether to stand aside on the assumption that as inequality grows, someday its opponent will arise. Until then, Croesus’s world is our common fate.

Glossary

parable (n.): a story told to illustrate a moral or spiritual truth

outstrip (v.): to become larger, more important, than sb/sth

ascendancy (n.): the position of having dominant power or control

destitution (n.): lack of sth

repression (n.): the action of forcing desires

generosity (n.): kindness

genocide (n.): the deliberate killing of a nation or race of people

egalitarianism (adj.): showing or holding a belief in equal rights, benefits and opportunities for everybody

preamble (n.): a statement or introduction that comes before sth spoken or written

enumerical (adj.): relating to, or representing the whole of a body churches

countercyclical (adj.): opposing the trend of a business or economic cycle

doppelganger (n.): alter ego

stigmatized (v.): to describe or consider sb/sth as sth very bad, worthy or of extreme disapproval, etc.

Understanding the text

Answer the following questions.

- a. What is the first human rights declaration adopted by the United Nations?
- b. When is Human Rights Day observed?
- c. What is the goal of the Universal Declaration of Human Rights?
- d. What are two big stages that involve writing the history of human rights in relation to that of political economy?
- e. What are the facts that have been missed in Roosevelt’s call for a “second Bill of Rights”?
- f. Write the truth expressed in Herodotus’s Histories.
- g. Why is the Universal Declaration of Human Rights important to you?

Reference to the context

- a. Does the essay give ways on how to stigmatize inequality? Explain.
- b. Is another human rights movement necessary? Why?

Reference beyond the text

- a. What are the challenges in maintaining human rights in Nepal?