

Introduction

In 1981, the playwright Zdena Tominová, on an extended visit to the West from her home in communist Czechoslovakia, came to Dublin for a lecture. A critic of her country's political regime, she was the spokesperson for Charter 77, one of the first prominent dissident organizations to make international human rights activism exciting. In the prior few years, it had drawn many Westerners toward the whole notion of basic personal entitlements under global law on which that pioneering activism was based. The United Nations had issued the Universal Declaration of Human Rights (1948) decades before; now, it became famous and reoriented moral consciousness and practice. But Tominová explained that, as a beneficiary of her communist state's policies, she was still grateful for the ideals of her youth and its politics of material equality. "All of a sudden," she remembered of the leveling of classes she lived through as a child, "I was not underprivileged and could do everything."¹

Since then, Tominová reported, and especially after the suppression of the Prague spring reforms in 1968, the scales had fallen from her eyes, and she had learned to denounce her state's oppression. For her membership in Charter 77, she had been beaten on the street and her head was pounded into the pavement. But even when her government suggested she leave for a while to avoid imprisonment, Tominová did not renounce her citizenship (although it was revoked soon after her talk). She even remained true to the socialism that had meant so much to her generation. "I think that if this world has a future," she explained to her Irish audience, "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.” And this socialism was not just a local ideal. “The world of social justice for all people has to come about,” she added.²

Tominová was clear that socialism could not provide an alibi for the deprivation of human rights. But by the same token, for her nation or for the world, the newer interest in human rights could not serve as an excuse to abandon material equality. Decades later, Tominová’s speech looks ironic. Data show that until the late twentieth century, people were overwhelmingly more likely to utter the word *socialism* than the phrase *human rights* in every language until the one began to decrease and the other to spike precisely when Charter 77 was founded. The lines of the terms’ relative popularity crossed precisely when the Cold War ended in 1989. Notwithstanding Bernie Sanders’s recent candidacy for the American presidency under a socialist banner, our era of market fundamentalism continues almost as if socialism had never been—and as if, in the realm of ideals, human rights alone comprise the highest standards of a just society and world.³

The effect is hardly a matter of the history of language. In different ways in different places, not least in Tominová’s Eastern Europe, human rights surged as a new political economy triumphed. To the extent that human rights morality and law decree economic and social protections, locally or globally, it is as a guarantee of sufficient provision, not a constraint on inequality. After a long period of negligence, attention to inequality spiked after 2008, and outrageous statistics marred the front pages as newspapers reported often accelerating and always wide inequality in every nation. Stories ricocheted around the internet noting that, even in the midst of less penury than ever in world history, a mere eight men controlled more wealth than half the inhabitants of the planet—several billion people.

The age of human rights has not been kind to full-fledged distributive justice, because it is also an age of the victory of the rich. The free market in its most unfettered form has its staunch defenders, but even those who hope to chasten and guide it have generally dropped material equality as a goal, prioritizing more basic and minimal aspirations to save the poor. It was a sharp break from the highest ideals of our immediate ancestors, who passionately invested in distributive equality, sometimes on pain of apologizing for vast historical wrongs to achieve it. Today, in contrast, people invest their hopes (and money) in human rights, looking the other way when vast inequality soars. Tominová’s dream of avoiding a forced choice

Introduction

between indispensable human rights and broader distributive fairness has been shattered—but there is no reason to accept the outcome.

NO ONE OUGHT to be treated differently because of the kind of person they are—on the basis of gender or race, for example. This status equality, however honored in the breach, is more accepted than ever before and thankfully so. It is also a matter of greater consensus than ever that the high and equal status of human beings entitles them to some basic political freedoms, such as the rights to speak and to be free from torture. When it comes to what share people ought to get of the good things in life, however, consensus is much harder to achieve.⁴

Compared to how status equality or political rights became imaginable, the history of economic and social rights (often simply called social rights) has been neglected by historians. But there is no way to study them apart from what one might call the distributional imagination and political economy of human rights. Social rights were part of the canon of ideals consecrated in the Universal Declaration, and for a while they have been central to organized rights activism. But strictly speaking, human rights do not necessarily call for a modicum of distributive equality. And a concern for human rights, including economic and social rights, has risen as moral commitments to distributive equality fell.

It is therefore a fundamental task to chart not merely the history of economic and social rights but also how they fit in the broader struggle, across modern history, to argue and make room for two different imperatives of distribution—*sufficiency* and *equality*. Even when social rights have been given their due, the ideal of material equality has lost out in our time. Before the age of human rights came, dreams of equality were taken quite seriously, both nationally and globally. In the age of human rights, the pertinence of fairness beyond sufficiency has been forgotten.

Sufficiency and equality originally came together and contended with each other as distinctive ideals of the first national welfare state during the French Revolution. And it is critical to notice that they are different. Sufficiency concerns how far an individual is *from having nothing* and how well she is doing *in relation to some minimum of provision* of the good things in life. Equality concerns how far individuals are *from one another* in the portion of those good things they get. The ideal of sufficiency commands that, whether as an operating principle of how things are allocated or after the

fact of their initial distribution, it is critical to define a bottom line of goods and services (or money, as in proposals of a universal basic income) beneath which no individual ought to sink. It singles out whether individuals, in relation to complete penury, have reached a defined line of adequate provision. If sufficiency is all that matters, then hierarchy is not immoral. "I care not how affluent some may be, so long as none be miserable in consequence of it," Thomas Paine wrote as early as 1796, expressing this exclusionary commitment to sufficiency. Enough, in this view, is enough.⁵

From the perspective of the ideal of equality, however, it does not matter only that everyone gets enough and the worst off avoid indigence (not to mention homelessness, starvation, and illness). For the egalitarian, morality rules out a society in which, even if the most basic needs are met, enormous hierarchy can still exist. According to this stance, at least a modicum of equality in the distribution of the good things in life is necessary. Otherwise it might turn out that two societies emerge: different ways of life, the wealthy towering over their economic inferiors, with morality satisfied so long as basic needs are fulfilled. Not merely a floor of protection against insufficiency is required, but also a ceiling on inequality, or even a commitment to a universal middle class. No commitment to absolute equality of material outcomes is involved necessarily, but you cross the border from advocacy of sufficiency to advocacy of equality if, beyond some minimum, you insist that it matters ethically how far the rich tower over the rest, even if the rest escape from indecency, however defined. Enough, in this view, is not enough.

The distinction is essential. The imperatives of sufficiency and equality, of course, are not necessarily in stark competition, even in theory. Except for many premodern religious and modern revolutionary ascetics, almost all egalitarians in history have shown great regard for the value of sufficient provision too. But like Paine in the eighteenth century or the philosopher Harry Frankfurt today, a great many more supporters of sufficiency adopt their ideal exclusively, compared to egalitarians who do not generally reject a standard of minimum distribution. In fact, even if it is entirely possible for those who care about sufficiency simply to prioritize it, insisting that they value equality as a postponed next step, it is far more common to believe that the goal of achieving sufficiency depends on embracing *more* inequality.⁶

It is also frequently believed that sufficiency and equality are interdependent, as moral ideals to be judged right or wrong not solely in theory but also in their real life interaction. If it turns out to be true that those who

Introduction

have their most basic needs met through sufficient provision are likelier to achieve equal amounts of the good things in life under their own power, then a difficult choice in theory evaporates in practice. Or else, if you adjust upward what counts as a sufficient amount of the things that matter most, you may come nearer and nearer to indirectly becoming an egalitarian. In effect, somebody has to pay for the high levels of need you have defined upward, and the likelihood is that the rich will inevitably have to be made to descend closer to the level of the ascending poor to do so.

But before concluding too quickly that there is no practical loss in emphasizing sufficiency alone or first, it is critical to remember how easy it is to argue for the opposite conclusions—especially today. Though one might hope that sufficiency (especially if defined upward) might lead to equality, it is equally possible that the poor will come closer to sufficient provision as the rich reap ever greater gains for themselves. In practice, sufficiency may get along better with hierarchy than with equality. It is also increasingly credible that a concern with equality is a better way to achieve sufficiency in practice—or at least that our desire to provide a sufficient minimum to the worst off is under threat to the extent that a frontally egalitarian politics is dropped. What if there is no way to win political support for sufficient goods for the destitute in society, or around the world, unless more equal circumstances are achieved for its members, especially if people feel too different from their fellows to institute guarantees even for a basic minimum? Donald Trump was elected president of the United States, according to such a story, when the right to the most basic health care for those without means became hostage to a broader sense of unfairness among the working and middle classes. Europeans have widely opted for populist leaders, with potentially widespread consequences for basic rights, not out of penury but because they stagnate even as the wealthy soar ever higher. It might be that you have to strive at more equal society even to get the most vital needs met.

The distinction between sufficiency and equality allows us to see how profoundly the age of human rights, while a good one for some of the worst off, has mainly been a golden age for the rich. The meaning of human rights has slowly transformed as egalitarian aspiration has fallen. For a long period, such aspiration had not only remained strong but spread from local communities to the entirety of the world. The French Revolution's dream of a welfare state offering sufficient provision as well as egalitarian citizenship returned—at least in some places—when the Great Depression and

World War II ushered in new kinds of national communities. In that era, human rights partook of the ideal of distributive equality within nations. In our day, human rights have instead become associated (along with the excesses of terrible leaders and the horrors of heartrending atrocity) with global sufficiency alone. Expanded in coverage, human rights have become a worldwide slogan in a time of downsized ambition. Across time, in other words, the spirit of human rights and the political enterprise with which people associate them has shifted from nationally framed egalitarian citizenship to a globally scaled subsistence minimum. Human rights have become our language for indicating that our cosmopolitan aspirations are strong, not stopping at the borders of our particular nation. They have been a banner for campaigns against discriminatory treatment on the basis of gender, race, and sexual orientation. But they have also become our language for indicating that it is enough, at least to start, for our solidarity with our fellow human beings to remain weak and cheap. To a startling extent, human rights have become prisoners of the contemporary age of inequality. The primary goal of what follows is to chart the evolution of human rights to illustrate how—inadvertently and unnecessarily for most of their advocates, I believe—they reached this state of imprisonment.

THE IDEALS of sufficiency and equality coexisted and clashed long before the twentieth century. At least as far back as the French Revolution, it had been possible to formulate socioeconomic rights for individuals as an obligation of sufficient provision. But just as far back, sufficiency came linked to equality. And after the intervening libertarian century between the French events and the rise of the national welfare state, their relationship was cemented. For all the interest of the two ideals' prehistory, from classical antiquity to the nineteenth century, the welfare state's appearance in the middle of the twentieth century was the pivotal event in their careers.

The notion of human rights was nowhere near as prominent in the ascendancy of national welfare as in our own neoliberal age. But for those who championed them, human rights were redefined in the ecology of the new welfare states of the era that compromised between sufficiency and equality, resolving to pursue both at the same time. Just as the notion of individual rights had often conformed to the classical liberal political economy of the nineteenth century, protecting the freedom of contract and person and the sanctity of property and transaction, so now they were reimagined for a new age of national welfare, characteristically in the Universal Declaration

Introduction

of 1948. Even as skeptics worried in the 1940s that rights could not do the job of making people more equal than before, others insisted that they bolstered that very mission.

The Universal Declaration, cited today to justify identification with egregious suffering at the hands of states abroad, is best understood as canonizing political and social rights as part of a consensus that citizens required new and powerful states at home. Those welfare states would provide the new citizenship that survivors of the Great Depression and World War II believed they deserved, and the Universal Declaration would canonize that mode of citizenship. Social rights, in short, emerged as part of a larger egalitarian package. That sufficiency and equality were so often understood to be different emphases in a unified project is the main reason to look back at what the welfare states attempted and achieved. After all, their work not only made progress in helping the indigent, for all their compromises and limitations; they were also the sole political enterprises that, to date, have ever secured a modicum of distributional equality, in particular constraining the dominance of the wealthiest.⁷

Yet they were achieved in only a few places, and in tarnished form, because they subordinated so many on grounds of gender, race, or other privilege. Most of the world's peoples did not have welfare states of any kind, because they lived under empires. The golden age of the welfare state in the developed world did not forbid the global empires of the European states and the global hegemony of the United States at the apex of its power—and neither did the Universal Declaration. As decolonization proceeded all the same, the bulk of humankind dreamed of the social citizenship that the richest countries had now begun to establish. The new states born of the struggle against empire tended to dream bigger when it came to their own national welfare, invoking egalitarian ideals (and adopting socialist programs) much more readily. More radically, their leaders concluded that it would not be possible to achieve a forum of distributive justice at home so long as an exploding hierarchy of growth and wealth remained on the world stage. The idea of “global justice” was born.

After World War II, the Swedish economist Gunnar Myrdal called for a “welfare world” to be built on top of the welfare states. The era of decolonization made this an exciting prospect. For anticolonial icons, egalitarian aspiration had even greater purchase than it had in the original welfare states and greater purchase than concern for a sufficient minimum did. And they advanced a pioneering vision of globally egalitarian distribution.

But in the decolonizing states, unlike most places in the economically developed world—where after World War II, sufficiency and equality were both advanced in circumstances of material abundance—the record was far worse, and their demand for a welfare world was certainly never granted by the powerful and wealthy. Out of the wreckage, sufficiency was hived off, and a new and unprecedented ethic of global antipoverty beckoned for our time. Philosophers thinking about the ethics of world distribution offer a valuable aperture on how this happened: The human rights revolution of our time is bound up with a global concern for the “wretched of the earth,” but not in the egalitarian sense that the socialist and postcolonial promoters of that phrase originally meant.

Instead of global justice, market fundamentalism triumphed starting in the 1970s, alongside the new visibility of a more cosmopolitan and transnational understanding of human rights. And once again, human rights conformed to the political economy of the age, not defining it but reflecting it. At different times and in different ways in different places, this dependent relationship was reestablished as the dream of global welfare was spurned and as national welfare states increasingly came under attack. With precedents in the 1970s and after, the first decade after 1989 stands out as the one in which human rights politics surged even as market fundamentalism was consolidated worldwide. Communism died in its original home, and the Chinese state itself marketized. In doing so, it came to fit a global pattern, tolerating greater inequality even as it rescued more human beings from poverty—thereby raising them to the floor of sufficiency protection to which their social rights entitled them—than have ever been helped this way by any other agent in world history.

The companionship between human rights and market fundamentalism was not inevitable. All the same, many factors conspired to bring it to pass. Human rights were cut off from the dream of globally fair distribution that the global south itself advocated during the 1970s. On this ruins of earlier ambition, a neoliberal campaign against welfare at every scale made human rights its hostages. It was not so much that both human rights and market fundamentalism were established on ethically individualist grounds and took the state (and especially the postcolonial state) not as a setting for a collectivist ethics but as a technical intermediary for achieving a global but individualist project. Rather, it was that human rights were extricated from their welfare state crucible and redefined. The attempt to mobilize economic and social rights has remained unimpressive since the end of the Cold War

Introduction

allowed such mobilization to begin, especially when constitutional judges and international nongovernmental pressure groups strove to enforce these rights. Worse, human rights lost their original connection with a larger egalitarian aspiration, focusing on sufficient provision instead.

It mattered greatly that the human rights of women and other especially oppressed groups were taken more seriously than ever before, overcoming the biases of the postwar welfare states and those of postcolonial nationalism and internationalism too. But even as aspirations to status equality advanced, distributive equality usually suffered. Despite ascending to geopolitical primacy in the middle of the twentieth century, America had bucked the dominant trend by failing to move to a welfare state. But its example—and its power—shaped the aspirations of a subsequent neoliberal age much more visibly. It was easier for market fundamentalists in America and elsewhere to obliterate whatever ceiling on inequality national welfare states had imposed and to vault the global rich higher over their inferiors than they had ever been. Meanwhile, the most visible ethical movement was struggling merely to build a global floor of protection for the worst off. As egalitarian ideals and practices died, the idea of human rights accommodated itself to the reigning political economy, which it could humanize but not overthrow.

IN THIS story of how human rights came to the world amid the ruins of equality, the main characters are those who were the most articulate, especially politicians and philosophers. They sometimes voiced popular ideals and practical commitment with clarity and depth. Philosophy in particular is indispensable, because it provides a proxy for understanding wider developments—which is not to say that intellectuals are commonly responsible for change, let alone that they succeed in playing the role of vanguards of the future. In their very attempt to raise existing causes from the earth-bound terrain of struggle into the empyrean of moral principle, thinkers often lose touch with the agents and movements that have done most to make the aspirations of social justice current. Intellectuals helped imagine credible ethical standards while also living a broader history that has seen the adoption of some ideals alongside the abandonment of others. As an intellectual and ideological history written out of dissatisfaction with mere sufficiency and committed to a more ambitious equality, what follows therefore pursues a dual agenda: It detects the ethical principle embedded in political action and the social imaginary, which thinkers often voice, and it also brings our ethics down to earth, showing how they exist in proximity

to the politics that have inspired and obstructed them. There is no place to take sides about right and wrong except within history, as it rapidly changes from one day to the next. For the moment, at least, human rights history is worth telling because it reveals how partial our activism has become, choosing sufficiency alone as intractable crises in politics and economics continue to mount.

The outcomes pose a stark challenge to our highest ideals, which demand readjustment today. The human rights revolution certainly deserves credit for saving the ideal of social justice from the highly exclusionary form in which it emerged. Today few would countenance authoritarian welfare—even though authoritarians helped birth welfare states. And even democratic welfare states suffered manifold exclusions at the start, based on gender, race, and other factors. Even if they integrated distributive equality better than any political enterprise before or since, no nostalgia for the authoritarian or democratic welfare state is compelling if it means sacrificing one moral ideal to an equally important one. Status equality matters fully as much as distributive equality.⁸

But the reverse is also true, and recalling the distributive commitments of the welfare state therefore raises a series of questions to those who might otherwise celebrate their pluralism and tolerance in the age of human rights. Is the attention human rights allow on global sufficiency at fault for the explosion of inequality in many nations and (by some measures) globally too? Were there alternatives to the redefinition of human rights and their rise in our age as a global political language for long-distance but hollowed-out solidarity? Is there any way for human rights to return to their original relationship with distributive equality, or even—as Tominová wanted, echoing many postcolonial voices—to scale it up to the world stage?

There is no reason for human rights ideals to continue the accommodating relationship they have had with market fundamentalism and unequal outcomes. Human rights may well serve to indirectly indict the consequences of inequality when it threatens the minimum standards of liberty, security, and provision that human rights protect. This does not mean, however, that either human rights norms or the kinds of movements we have learned to associate with those norms—engaging in an informational politics of “naming and shaming,” operating in the professional mode, and prizing judges as ideal enforcers of basic norms—are up to the challenge of supplementing sufficiency with equality in theory or practice. I myself suspect that, since the preeminence of human rights ideals has occurred in a neo-

Introduction

liberal age, it is exceedingly unlikely that their usual representatives can find the portal to exit it on their own. Human rights advocates can work to extricate themselves from their neoliberal companionship, even as others mark their limitations, in order to restore the dream of equality to its importance in both theory and practice. If both groups are successful, they can save the ideal of human rights from an unacceptable fate: it has left the globe more humane but enduringly unequal.