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"The Most We Can Hope For . . .": Human Rights and the Politics of Fatalism

In his 2001 Tanner Lecture series entitled Human Rights as Politics and Idolatry, Michael Ignatieff parries almost every known progressive political and philosophical quarrel with international human rights work: human rights are vague and unenforceable; their content is infinitely malleable; they are more symbolic than substantive; they cannot be grounded in any ontological truth or philosophical principle; in their primordial individualism; they conflict with cultural integrity and are a form of liberal imperialism; they are a guise in which superpower global domination drapes itself; they are a guise in which the globalization of capital drapes itself; they entail secular idolatry of the human and are thus as much a religious creed as any other.[1] Ignatieff is thoughtful and nondismissive with each of these challenges, at times persuasively refuting them, at times accommodating and adjusting the aspiration or reach of human rights in terms of them. Working through them also allows him to develop and rest his own case for human rights: human rights activism is valuable not because it is founded on some transcendent truth, advances some ultimate principle, is a comprehensive politics, or is

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clean of the danger of political manipulation or compromise, but rather, simply because it is effective in limiting political violence and reducing misery. If, in the last fifty years, human rights have become the international moral currency by which some human suffering can be stemmed, then they are a good thing. "All that can be said about human rights is that they are necessary to protect individuals from violence and abuse, and if it is asked why, the only possible answer is historical" (149).

Responding to the commentaries published along with his lectures, these are Ignatieff's final words:

> What should our goals as believers in human rights be? Here my slogan would be the title of the justly famous essay by my old teacher, Judith Shklar, "Putting Cruelty First." We may not be able to create democracies or constitutions. Liberal freedom [in some societies] may be some way off. But we could do more than we do to stop unmerited suffering and gross physical cruelty. That I take to be the elemental priority of all human rights activism: to stop torture, beatings, killings, rape, and assault and to improve, as best we can, the security of ordinary people. My minimalism is not strategic at all. It is the most we can hope for. (173)

An instrument for abating the grievous suffering of targeted individuals and groups, stanching the flow of human blood, diminishing cries of human pain, unbending the crouch of human fear—who could argue with this, especially when the historical present features so much politically let blood, politically inflicted pain, and politically induced fear? Indeed one cannot argue with it, nor will I. If human rights achieve this, and nothing more, there is no quarrel to be had.

My question, of course, is whether this is all the international human rights project does, that is, whether Ignatieff holds himself to the minimalism and pragmatism of these sentences and whether, apart from Ignatieff's own formulations, this minimalism and pragmatism can be made to hold in the discursive operation of human rights. It will turn out that Ignatieff himself does not actually stay within the bounds of this minimalist defense, and that the "more" he claims for human rights is an important part of his brief for them and an important aspect of their discursive operation. But in addition to Ignatieff's own transgressions of the boundaries he sets, there is this: it is in the nature of every significant political project to ripple beyond the project's avowed target and action, for the simple reason that all such

projects are situated in political, historical, social, and economic contexts with which they dynamically engage.[2] No effective project produces only the consequences it aims to produce. Whatever their avowed purpose, then, do human rights only reduce suffering? Do they (promise to) reduce it in a particular way that precludes or negates other possible ways? And if they reduce suffering, what kinds of subjects and political (or antipolitical) cultures do they bring into being as they do so, what kinds do they transform or erode, and what kinds do they aver? What are the implications of human rights assuming center stage as an international justice project, or as *the* progressive international justice project? Human rights activism is a moral-political project and if it displaces, competes with, refuses, or rejects other political projects, including those also aimed at producing justice, then it is not merely a tactic but a particular form of political power carrying a particular image of justice, and it will behoove us to inspect, evaluate, and judge it as such. Such considerations require us to depart both the terms of pragmatist minimalism and the terms of morality for a more complex encounter with the powers of political context and political discourse than either set of terms can accommodate.

For the most part, human rights activism refuses the political mantle on which I am insisting. Rather, it generally presents itself as something of an antipolitics—a pure defense of the innocent and the powerless against power, a pure defense of the individual against immense and potentially cruel or despotic machineries of culture, state, war, ethnic conflict, tribalism, patriarchy, and other mobilizations or instantiations of collective power against individuals. More precisely, human rights take their shape as a moral discourse centered on pain and suffering rather than political discourse of comprehensive justice. Even as Ignatieff titles his first lecture "Human Rights as Politics" and recognizes that "human rights must accept that it is a fighting creed and that its universal claims will be resisted" by whatever authority is its particular target, the politics he identifies are in the pragmatic effects of what he forthrightly identifies as a moral order of things: "Human rights is the language that systematically embodies [the] intuition [that each individual is entitled to equal moral consideration], and to the degree that this intuition gains influence over the conduct of individuals and states, we can say that we are making moral progress" (4). In addition to the explicit claim about moral equality, international human rights are also premised on the immorality of politically induced suffering. Unlike constitutionally derived and nationally enforced highly speci-

fied rights in liberal democratic orders, international human rights are cast in terms of the moral inviolability of "human dignity" and the deprivation or degradation of this dignity that they are understood to protect against. Human rights, in Ignatieff's understanding, do not prescribe what is good or right but rather depend on agreement "about what is insufferably, inarguably wrong" (56):

> The universal commitments implied by human rights can be compatible with a wide variety of ways of living only if the universalism implied is self-consciously minimalist. Human rights can command universal assent only as a decidedly "thin" theory of what is right, a definition of the minimum conditions for any kind of life at all. Human rights is only a systematic agenda of "negative liberty," a tool kit against oppression, a tool kit that individual agents must be free to use as they see fit within the broader frame of cultural and religious beliefs that they live by. (56, 57)

But if human rights are tendered as an antipolitical and expressly moral antidote to abusive political power, a defense against power and a protection against pain, deprivation, or suffering, we may still ask what kind of politicization they set in motion against the powers they oppose. Do they stand for a different formulation of justice or do they stand in opposition to collective justice projects? Whether they aim either to weaken national political sovereignty as they strengthen the moral standing of the individual or, to the contrary as Ignatieff argues, they underline the "necessity of state order as a guarantee of rights," and hence ought actually to strengthen "overburdened states," what kind of justice project is this? Put another way, if human rights are proffered as a defense against political power's ability to inflict pain, indignity, cruelty, and death, if they stand for political power's moral limit regardless of its internal organization or legitimacy, what is their political positioning and effect in this work?

As it turns out, Ignatieff does not, indeed cannot, limit his brief for human rights to their attenuation of suffering. Rather, he understands them as opening up progressive political possibility that exceeds their purview. He claims, first, that "human rights matter because they help people to help themselves" and thus instantiate or develop agency where it did not exist before (57). He claims, second, that rights as "civil and political freedoms are the necessary condition for the eventual attainment of social and economic security" (90). Third, he claims that rights language creates the basis for

"conflict, deliberation, argument and contention," as it provides a "shared vocabulary from which our arguments can begin, and the bare human minimum from which differing ideas of human flourishing can take root" (95). The first claim concerns the ontological logic of human rights; the second claim concerns the historical logic of human rights; and the third claim concerns the political logic of human rights. Let us consider each briefly.

"Human rights is a language of individual empowerment," Ignatieff argues, and "when individuals have agency, they can protect themselves against injustice. Equally, when individuals have agency, they can define themselves what they wish to live and die for" (57). In other words, human rights configure subjects as either able or entitled (it's not clear which for Ignatieff) to protect themselves from what they consider unjust and define for themselves what their individual aims and ends are. As Ignatieff argues elsewhere, "Rights language has been central not simply to the protection, but also to the production of modern individuals," a production that he specifies as the process of becoming an individual—"the most universal aspiration behind all the forms of modernity on offer."[3]

But it is not at all clear that human rights discourse actually secures the autonomy and agency Ignatieff promises; rather, this discourse offers a form of protection for individuals that may trade one form of subjection for another, an intervention by an external agent or set of institutions that promises to protect individuals from abusive state power in part by replacing that power. (A recent and very literal case of such an exchange was, of course, the intervention in Iraq by the United States and Britain, commencing in spring 2003 and continuing through the present, which carried the flag of human rights and which Ignatieff, in several major press venues, has at times defended as a human rights effort.[4]) While the replacement may or may not be a positive one from the standpoint of reducing suffering, it does not follow that it necessarily produces agency or "helps people to help themselves."

Moreover, to the extent that human rights are understood as the ability to protect oneself against injustice and define one's own ends in life, this is a form of "empowerment" that fully equates empowerment with liberal individualism.[5] As such, the promise of rights to enable the individual's capacity to choose what one wishes to live and die for does not address the historical, political, and economic constraints in which this choice occurs—agency is defined as choice within these constraints and thus largely codifies these constraints. Finally, if rights promise a shield around individuals, the "right

to choose the life they see fit to lead" (57), this shield constitutes a juridical limit on regimes without empowering individuals as political actors; rather, it is an instance of what Isaiah Berlin called and Ignatieff endorses as "negative liberty," the right to be let alone to do as one wishes (57). As human rights discourse draws a line between the space of the individual to choose how she or he wants to live and the space of politics, what Ignatieff calls "empowerment" is located in the former. In his framing, human rights discourse thus not only aspires to be beyond politics (notwithstanding his own insistence that it is a politics), but carries implicitly antipolitical aspirations for its subjects—that is, casts subjects as yearning to be free of politics and, indeed, of all collective determinations of ends.[6] Thus, the moral valence of human rights, as well as its positioning of morality outside of and above politics, inflects and positions in its image the individual human that rights would empower and thereby produce.

Ignatieff's second claim about the economic and political possibilities that human rights set into motion would appear to address these concerns. While he insists that human rights must be limited to securing the capacity of the individual to act (rather than extended, as some have wished, to rights to goods such as food, shelter, and medicine), he also insists that this very capacity itself constitutes the necessary precondition for political engagement that in turn can produce economic improvement and even "security." Here is how Ignatieff stages this claim: "Without the freedom to articulate and express political opinions, without freedom of speech and assembly, together with freedom of property, agents cannot organize themselves to struggle for social and economic security" (90). He goes on to quote Amartya Sen: "No substantial famine has ever occurred . . . in any country with a democratic form of government and a relatively free press" (90). It is hard to know precisely what causal connection is being asserted between famine and a state-controlled press, especially in colonial and third world settings, but for Ignatieff, the implications are clear: "Civil and political rights are both an essential motor of economic development in themselves and also a critical guarantee against coercive government schemes and projects" (90). This would seem to be as much a brief for capitalism as for human rights, but it is also a strange history of modernity, especially in its suggestion that national wealth is produced by rather than productive of civil liberties and constitutionalism and in its elision of the deformations of colonialism and a global economy in which the wealth of core states is predicated in part on the poverty of the periphery.

The oddness of this narrative is explained in part by an appreciation of what Ignatieff is seeking to stave off, namely, a left tilt to human rights projects that would either insist on the primacy of rights to food, shelter, and healthcare or that would argue, more modestly, that civil and political rights must be supplemented by such social or economic rights. Ignatieff objects to such a tilt not only because it makes human rights campaigns more politically ambitious and thus less immediately efficacious or realizable, which would be a reasonable objection from a pragmatist, but because he fears what he tellingly calls "collective rights." (There is, of course, no inherent reason for regarding a right to shelter or food as more of a collective right than the right to free speech or freedom of assembly. Presumably Ignatieff designates such rights as collective, not because they are awarded collectively, but because of their cost to the collective or perhaps even because they figure us as collectively responsible for one another.) Collective rights, he insists, threaten the individual *and* erode the legitimacy of rights. With regard to the former, Ignatieff argues, "individual rights without collective rights may be difficult to exercise, but collective rights without individual ones end up in tyranny" (90). While the formulation of collective rights in the absence of individual ones in the post-Communist world seems something of a straw man, it is clear what the metonymic slide is for Ignatieff: the right to food and shelter means the state will organize or provide them, and if the state is in this business, we are in the land of state socialism, and if we are in the land of state socialism, individual rights—especially those basic to free enterprise and free trade—are presumed to be limited. With regard to the latter, Ignatieff claims that "rights inflation—the tendency to define anything desirable as a right—ends up eroding the legitimacy of a defensible core of rights" (90). This "defensible core" is defined as those rights "that are strictly necessary to the enjoyment of any life whatever" (90). Although it is hard to see what could be more necessary than food and shelter to such enjoyment, Ignatieff goes in the other direction, insisting that "civil and political freedoms are the necessary condition for the eventual attainment of social and economic security" (90). What Ignatieff is rehearsing, of course, is not an ontological account of what human beings need to enjoy life, but rather a political-economic account of what markets need to thrive. The giveaway is in the final sentence of the passage we have been considering: "Without the freedom to articulate and express political opinions, without freedom of speech and assembly, *together with freedom of property*, agents cannot organize themselves to struggle for social and eco-

nomic security." In sum, through a tortured historiography and a terribly vulnerable set of ontological claims, Ignatieff argues for human rights as the essential precondition for a free-market order and for the market itself as the vehicle of individual social and economic security.

Ignatieff's third claim about what rights incite beyond protection against suffering pertains to their creation of "a world of genuine moral equality among human beings" (95). For democrats of any stripe, such a world is another one of those incontestable goods, but Ignatieff takes this point further than it may go: "A world of moral equality is a world of conflict, deliberation, argument, and contention" (95). While this appears to link his argument that rights empower individuals to prospects for democratic determination of governing values, we must ask what makes rights—those markers of the desire not to suffer, to live as and for what one individually chooses, and to insist that one's choices be tolerated—a vehicle for bringing us together to debate about values and ends? If rights constitute something of a shield against power, including incursions and coercions by other individuals, if rights give us the capacity to be left to our own devices, what makes them into a conduit for gathering us into argument and contention about governing norms or ends? Indeed, the historical tension between a premium placed on individual liberty and a premium placed on governance has been lived as the conflict between centrifugal and centripetal impulses in democratic thought and practice for most of its history. It took shape in an older language as the battle between republican values and more libertarian ones, in the mid-nineteenth through mid-twentieth centuries as a debate between socialist and liberal aspirations for democracy, and more recently in arguments between liberal individualists and liberal communitarians. Rights, especially those as dependent on a universal moral vocabulary as human rights are, hardly guarantee local political deliberation about how we should live together; indeed, they may function precisely to limit or cancel such deliberation with transcendental moral claims, refer it to the courts, submit it to creeds of tolerance, or secure an escape from it into private lives.

Taken together, Ignatieff's three claims about the political possibilities set in motion by human rights—far from representing the minimalism with which we began—are building blocks for an argument that this discourse can inaugurate a different distribution of power and order of justice in nonliberal societies. If this were so, it would constitute a new historical formation, a new chronology in history, in which rights would constitute

the engine rather than the outcome of a form of popular political power, the basis for democratic participation rather than the containment of it, the place from which democracy starts rather than ends. Not only is this untried, this insistence also conflicts with Ignatieff's own notion of rights as a form of protection from power and conflict as well as with his corollary claim for tolerance as the ability to "live and let live."[7] It collides with the rejection of politics—the retreat from the problem of collective power—that the right to live as one wishes promises. Moreover, it introduces an unresolved interval between the expressly moral and antipolitical discourse of human rights and a politicization that this discourse is claimed to promise. Perhaps most importantly, it formulates political and social power as a zero-sum game: rights against culture or the state become a measure of power taken away from them—what the individual has, the institutions don't get. Few modern thinkers still subscribe to this formulation of power. Even apart from the Foucauldian insight into the regulatory dimension of rights that challenges it—an insight into the production of subjects and subjectification by juridical discourse—there is the patent empirical fact that Americans have never had so many rights (even the lawyers can't keep track of them) and so little power to shape collective justice and national aims.

What we have learned in the last century: if rights secure the possibility of living without fear of express state coercion, they do not thereby decrease the overall power and reach of the state nor do they enhance the collective power of the citizenry to determine the contours and content of social, economic, and political justice. This is above all because power does not only come in sovereign or juridical form and because rights are not just defenses against social and political power but are, as an aspect of governmentality, a crucial aspect of power's aperture. As such, they are not simply rules and defenses against power, but can themselves be tactics and vehicles of governance and domination. Even free speech, or perhaps, especially free speech, in an age of corporately owned and governmentally beholden media, can deepen the subjection of the populace to undemocratic discourses of power, at the same time that it permits lots of talking.

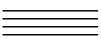
To appreciate further how rights can simultaneously shield subjects from certain abuses and become tactics in their disempowerment, we might return to a point mentioned in passing above, namely that rights are not simply attached to Kantian subjects, but rather produce and regulate the subjects to whom they are assigned.[8] Thus, in its very promise to protect the individual against suffering and permit choice for individuals, human rights

discourse produces a certain kind of subject in need of a certain kind of protection. Of course, suffering and abuse also produce subjects, often traumatically so and I am by no means suggesting that leaving individuals vulnerable to such things is a morally or politically superior production to that of human rights discourse. Nor, again, am I contesting the extent to which human rights campaigns may actually limit certain kinds of abuse and alter certain policies. Rather, the point is that there is no such thing as *mere* reduction of suffering or protection from abuse—the nature of the reduction or protection is itself productive of political subjects and political possibilities. Just as abuse itself is never generic but always has particular social and subjective content, so the matter of *how* it is relieved is consequential. Yes, the abuse must be stopped but by whom, with what techniques, with what unintended effects, and above all, unfolding what possible futures? The pragmatist, moral, and antipolitical mantle of human rights discourse tends to eschew, even repel, rather than invite or address these questions.

We return to the question with which we began: If human rights activism is an antipolitical politics of suffering reduction that configures a particular kind of subject and limns a particular political future, is the yield of this international justice project the "most we can hope for"? Especially given the extent to which a recently renewed vigor in American imperialism has been the agent of such suffering (from its Guantánamo Bay gulag to its invasions of Iraq and Afghanistan to its continued support for increasingly brutal Israeli practices of occupation) while draping itself in the mantle of human rights, one wonders whether the project of more directly challenging such imperialism and supporting indigenous efforts to transform authoritarian, despotic, and corrupt postcolonial regimes might be at least as critical. When Donald Rumsfeld declares that "the War on Terrorism is a war for human rights," as he did in spring 2002, preparing Americans for war on Iraq while turning their attention away from both the postwar chaos in Afghanistan and the steady dismantling of their own civil liberties, we are reminded of the difficulty of trying to engage in both kinds of projects simultaneously.[9] It is not only that Rumsfeld has co-opted the language of human rights for imperialist aims abroad and antidemocratic ones at home, but that insofar as the "liberation" of Afghanistan and Iraq promised to deliver human rights to those oppressed populations it is hard both to parse cynical from sincere deployments of human rights discourse and to separate human rights campaigns from legitimating liberal imperialism.[10] Here, the disingenuousness of Ignatieff's insistence, that human

rights campaigns are not equivalent to installing liberalism and the conditions of free trade for the regimes they aim at, materializes as more than a problem of intellectual dishonesty.

Moreover, since international human rights are not designed as a form of collective power or vehicle of popular governance, but rather as individual shields against power, it is hard to see how one can move simultaneously toward individualism and withdrawal on the one hand, and efforts at collaborative self-governance and power sharing on the other. There is no keener evidence for this difficulty than the current scheme of governance for postwar Iraq in which long-term occupation, including foreign political rule, and economic development engineered by the United States and dominated by foreign investment, is implemented alongside plans for the development of civil liberties for Iraqis.



It is an old ruse of liberal reformers, in pursuing agendas that have significant effects in excess of the explicit reform, to insist that all they are doing is a bit of good or holding back the dark. On this view, rights simply set people free to make the world as they see fit—they do not have normative- or subject-producing dimensions; they do not carry cultural assumptions or aims; they do not prescribe or proscribe anything; they do not configure the political in a particular way or compete with other political possibilities or discourses. They simply expand autonomy and choice. I have suggested otherwise and in deciding whether the reduction of suffering promised by human rights is the "most we can hope for," I have argued that we must take account of that which rights discourse does not avow about itself. It is a politics and it organizes political space, often with the aim of monopolizing it. It also stands as a critique of dissonant political projects, converges neatly with the requisites of liberal imperialism and global free trade, and legitimates both as well. If the global problem today is defined as terrible human suffering consequent to limited individual rights against abusive state powers, then human rights may be the best tactic against this problem. But if it is diagnosed as the relatively unchecked globalization of capital, postcolonial political deformations, and superpower imperialism combining to disenfranchise peoples in many parts of the first, second, and third worlds from the prospects of self-governance to a degree historically unparalleled in modernity, other kinds of political projects, including other international justice projects, may offer a more appropriate and far-reaching remedy for

injustice defined as suffering *and* as systematic disenfranchisement from collaborative self-governance.

In addition to the question of how one diagnoses the present ills of the world, there is another question here, a genuine question, about the nature of our times. Is the prevention or mitigation of suffering promised by human rights the most that can be hoped for at this point in history? Is this where we are, namely, at a historical juncture in which all more ambitious justice projects seem remote if not utopian by comparison with the task of limiting abuses of individuals? Is the prospect of a more substantive democratization of power so dim that the relief and reduction of human suffering is really all that progressives can hope for? If so, then human rights politics probably deserves the support of everyone who cares about such suffering. But if there are still other historical possibilities, if progressives have not yet arrived at this degree of fatalism, then we would do well to take the measure of whether and how the centrality of human rights discourse might render those other political possibilities more faint.

Notes

1 Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001). Subsequent citations are given in the text.

2 Talal Asad makes this point for an altogether different kind of inquiry into human rights: "Human rights depend . . . on national rights. States are essential to the protection they offer. This means that states can and do use human rights discourse against their citizens—as colonial empires used it against their subjects—to realize their civilizing project" ("What Do Human Rights Do? An Anthropological Enquiry," *Theory and Event*, online at http://muse.jhu.edu/journals/theory_and_event/v004/4.4asad.html. Quotation from paragraph 113).

3 Michael Ignatieff, "Human Rights," in *Human Rights in Political Transitions: Gettysburg to Bosnia*, ed. Carla Hesse and Robert Post (New York: Zone Books, 1999), 323.

4 See, for example, Ignatieff's many appearances in the *New York Times* in the past two years, including "Threats and Responses: Liberals for War; Some of the Intellectual Left's Longtime Doves Taking on Role of Hawks," by Kate Zernike, March 14, 2003, A16; "The Way We Live Now, 3–23–03; I Am Iraq", March 23, 3002, sect. 6: 13; "The American Empire: The Burden," January 5, 2003, sect. 6: 22; and most recently, "Why Are We in Iraq (And Liberia and Afghanistan?)," September 21, 2003, sect. 6: 38.

5 Rather disingenuously given his own brief for what should and should not come under the umbrella of human rights, Ignatieff denies this equation: "How people use their freedom is up to them and there is no reason to suppose that if they adopt the Western value of freedom, they will give it Western content" (73).

6 By a politics, Ignatieff means "taking sides, mobilizing constituencies powerful enough to force abusers to stop" (9) and does not mean a comprehensive political project or forma-

tion. Rather, even as he recognizes the impossibility of treating human rights campaigns as "above politics," he grounds human rights themselves in the recognition that human beings ought to be protected from cruelty and pain, which amounts to an abstract moral claim against particular forms of political power and aims to position itself as neutral vis-à-vis culture and particular modalities of political power.

7 Michael Ignatieff, "Nationalism and Toleration," in *The Politics of Toleration in Modern Life*, ed. Susan Mendus (Durham: Duke University Press, 2000), 85.

8 This point has been developed at length by many. Most of the essays in *Left Legalism/Left Critique*, ed. Wendy Brown and Janet Halley (Durham: Duke University Press, 2002), make a contribution to this argument. My own other efforts to think through the problem can be found in my essay in that volume ("Suffering Rights as Paradoxes") as well as chapter 5 of *States of Injury: Power and Freedom in Late Modernity* (Princeton: Princeton University Press, 1995), and "Revaluing Critique: A Response to Kenneth Baynes," *Political Theory* 28.4 (August 2000): 469–79.

9 Donald Rumsfeld, June 12, 2002.

10 Little wonder, then, that Ignatieff supported both wars as "humanitarian interventions" and initially, at least, downplayed their imperialist aims.