Genealogy, History, and Human Rights

KIRAN BANERJEE

Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press, Harvard University Press, 2010).

In *The Last Utopia: Human Rights in History*, Samuel Moyn offers a compelling counter-history or genealogy of the genesis of human rights, one that upsets commonplace assumptions about this now ubiquitous concept. While many recent studies have offered careful reconstructions of the historical origins of human rights, *The Last Utopia* boldly proclaims that the genesis of human rights is not to be be traced to the ancient doctrine of stoicism nor to the revolutionary fervour of 1789 or even to the articulation of the Universal Declaration of Human Rights after World War II.[1] Rather, human rights as we understand them today emerged far more recently, only entering our broader conceptual vocabulary a generation ago.

To understand the central arguments of the book, we need to step back for a moment to look at its foundations, for at the core of *The Last Utopia* is an oft neglected methodological insight that bears repetition. At the bottom of Moyn's account is a Nietzschean refashioning of our historical sensibilities that emphasizes the role of contingency and accident as the catalysts for the emergence of concepts. This view of history as discontinuity, shared by thinkers as diverse as Michel Foucault and, apparently, Jorge Luis Borges, compels us to view human rights within a context of "warring tendencies and dead projects" (20) rather than of gods and demons and to give up the presumption that there was anything inevitable about the rise of human rights as our dominant utopian paradigm. The need for this approach lies in our all too frequent inclination to refashion history through our present, to construct past events into fitting precursors, contingent outcomes into necessities, and to indulge in mythologies of "deep roots" for our present ideals—habits replete in the contemporary historiography of human rights. Yet these habits have the troubling outcome of turning authentic history into the celebration and triumph of the present, while masking the fractures in, and limits of, our concepts. Thus, an important contribution of Moyn's work is to engage us in the project of critical history or genealogy and, in doing so,

Kiran Banerjee is a doctoral candidate and Vanier Canada Graduate Scholar in the Department of Political Science at the University of Toronto. His research is concerned with mapping out tensions between discourses of national citizenship and human rights as manifest in contemporary conceptions of democratic legitimacy, in particular as they relate to issues raised by immigration.

[1] *Universal Declaration of Human Rights*, GA Res 217(III) UN GAOR, 3rd Sess, Supp No 13 at 71, UN Doc A/810 (1948).

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to bring forth a surprising counter-narrative for one of our most cherished ideals.

The findings of Moyn's study are striking. Not only do human rights have no true pre-twentieth-century precursors, but, as an ideal, they can only be said to emerge in the late 1970s. Apparent antecedents, such as the Atlantic revolutions of the eighteenth century, did not articulate our contemporary understanding of human rights as individual claims against the state but, rather, were concerned with creating spaces of citizenship in which rights were tightly entwined with nation and state building. What is more, the view that human rights arose from the horrors of the Holocaust in the immediate post-war era is a myth, as Moyn demonstrates. Rather, according to Moyn's alternate history, "without the transformative impact of events in the 1970s, human rights would not have become today's utopia, and there would be no movement around it" (7).

Equally striking is Moyn's account of the catalysts that allowed human rights to emerge at this moment. According to Moyn, it was only when other more transformative idealisms and political ideologies fell by the wayside or imploded—from socialism to anti-colonialism—that human rights could appear on the global scene. Thus, the rise of human rights is explained through the "collapse of other, prior utopias, both state and internationalist" (8), and made its appearance in the guise of a minimalist anti-politics, an attempt to substitute a plausible morality for failed politics. According to Moyn, human rights at birth were thus "defined as a pure alternative in an age of ideological betrayal and political collapse" (8). They represented the displacement of ambitious political projects with a minimalist morality of individual rights.

The book's opening chapter makes the case for why pre-twentieth century conceptions of rights ought not to be understood as antecedents to our current understanding of human rights. Much of this discussion focuses on the statist and nationalist grounding of these conceptions. Revolutionary rights are foremost about creating spaces of citizenship. In the following chapter, Moyn discusses the failure of human rights to emerge in the post-war period, what he terms the history of a non-event, pointing to the prominent role of emerging post-war powers as well as the United Nations in this conceptual stillbirth.

The third and most powerful chapter of the book offers a fascinating treatment of the end of formal colonialism alongside the advent and crisis of the post-colonial state. Moyn persuasively argues that the "new" human rights of this period reproduced the "original, collectivist direction of earlier rights talk" within a statist framework and that the collapse (in Western eyes) of anti-colonialism and self-determination as ideals opened a space for a nascent concept of human rights (107). His historicist account of the rearticulation of present and long past historical events—from the Haitian revolution to the South African anti-apartheid movement—through the prisms, first, of decolonization and, later, of human rights offers a telling illustration of the ideological displacement of prior frameworks by human rights. In the final chapter, the book takes up the remarkably late turn of

international law to the subject of human rights, which will likely be of interest to students of global politics. Moyn documents this shift by addressing the career of the well-known champion of human rights, Louis Henkin, and by tracing the initial reluctance of international lawyers to embracing the idea because of its perceived imbrications with anti-colonialism.

An intriguing leitmotif of the book concerns the implications of this counter-history for the fate of human rights today. By presenting the emergence of human rights as a sort of anti-politics, Moyn highlights the pronounced minimalism of the project at its inception. Yet once launched, human rights could not help but develop into a politics with maximalist aspirations. We need only consider the ways in which human rights have recently been pressed into the service of "humanitarian" wars of intervention to observe the troubling implications of this expansion. What is more, since human rights only represent one utopian frame among others in history, triumphing only negatively through the discrediting of alternative visions, it too may be superseded one day. While the grip of human rights on our utopian imagination may appear stronger than ever at present, the contingencies of its historical emergence highlight the possibility of alternative paths in the future.

Despite presenting a compelling counter-history of human rights, there are moments when the argument of *The Last Utopia* falters. One issue arises from an ambiguity in the book's central claim: is it that the concept of human rights itself only came into being in the not-distant past or is it that the idea only recently gained broad conceptual currency and pre-eminence? Moyn appears to waver between these two claims, focusing on the former when countering pre-twentieth-century accounts of human rights and relying on the latter when advancing the "breakout" date of human rights from the post-war era to the 1970s.

Moreover, readers are likely to be surprised by the radical narrowing of the concept of human rights that Moyn's argument requires. While the revolutionaries of 1789 may have thought they were declaring the rights of man, or the drafters of the Universal Declaration of Human Rights that they were articulating human rights, both groups were apparently mistaken. According to Moyn, these earlier conceptions did not fully distinguish individual and collective rights and, thus, could not cast human rights as rights against the state. At times, this discussion of the real meaning of human rights appears quite scholastic, driven more by the need to rewrite the birth date of human rights than by the important historical lessons that the volume proffers. However, the reader might wonder whether a history of discontinuity need be so concerned with origins. Might it not be more plausible to view human rights as a contested concept, with multivalent and politicized meanings?

Then again, the virtue of Moyn's book may lie less in what it establishes than in what it uproots. By allowing us to view human rights with a disenchanted gaze, Moyn invites us to take seriously the limits and possibilities of the contemporary human rights project. Neither the inevitable

unfolding of a centuries-long mission nor the revealing of a transcendent value, human rights are presented as an artifice of human agents, emerging in the context of a history riddled with contingency. Moreover, its ascendancy as the last remaining utopia does not foreclose the possibility that it may be superseded by a competing vision yet to come.

Despite tensions in Moyn's presentation, this volume will be of great interest to students of international politics and human rights. Aside from offering a much-needed response to the triumphalism and ahistoricism of contemporary understandings of human rights, *The Last Utopia* offers broader methodological lessons extending beyond the historiography of human rights for approaching the origins of concepts in other fields.