

REVIEWS

Samuel Moyn, *The Last Utopia: Human Rights in History*
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RECLAIMING HUMAN RIGHTS

The discourse of human rights has become hegemonic in recent decades and it is hardly surprising that a new field of scholarship has appeared, dedicated to exploring how this happened. The 'history of human rights' has now generated a vast literature, identifying pioneers and theorists, tracing influences and anatomizing legal practices. A central question here is to determine the relation between Enlightenment doctrines of the Rights of Man—or, indeed, earlier conceptions of human universalism, from the Stoics to the authors of the New Testament—and contemporary notions of human rights: continuity or rupture? A further problem is historical: how to explain the emergence and extraordinary predominance of human-rights discourse in the second half of the 20th century? Samuel Moyn's *The Last Utopia* represents a trenchant intervention in these debates. Moyn stresses the very recent emergence of human-rights discourse, disputing attempts to root it in the early post-war world, let alone the 18th century. In his view, the contemporary historiography of human rights has been compromised by its 'celebratory attitude', a tendency to offer 'uplifting back stories' and to recast world history 'as raw material for the progressive ascent of international human rights'. The quest for ancestors has resulted in a teleological approach such that any emancipatory movement in history is interpreted as an anticipation of, and step towards, the discourse of human rights, 'much as church history famously treated Judaism as a proto-Christian movement simply confused about its true destiny'. For Moyn, the history of human

rights has been loth to acknowledge that the discourse is ‘only one appealing ideology among others’.

The Last Utopia is particularly scathing about attempts to recruit the ‘Rights of Man’ proclaimed by American and French revolutionaries as precursors of human rights: the former were aimed at state construction, while the specifically modern discourse of ‘human rights’ is a critique of state repression—‘another conception altogether’. As Moyn puts it: ‘Of all the glaring confusions in the search for “precursors” of human rights, one must have pride of place. Far from being sources of appeal that transcended state and nation, the rights asserted in early-modern revolutions and championed thereafter were central to the construction of state and nation, and led nowhere beyond until very recently.’ It is anachronistic, he argues, to attribute modern notions of ‘human rights’ to anyone in the 18th century, even when we find the term—which is not that often. The more common expression was ‘rights of man’ or occasionally ‘rights of humanity’ (the latter notably occurs in the opening pages of Lawrence Sterne’s *Tristram Shandy*). In the case of the American Declaration of Independence, for example, the claim is for the right to self-determination of a whole people and not for individual rights, except in so far as the latter arose in the context of founding a new state. (This helps to explain both how slaveholders could appeal to ‘unalienable rights’ and why there were such modest anti-slavery results—and such blatant disregard for the native peoples—from the leaders of the Independence struggle.)

Moyn also pours cold water on what might be called the Ignatieff School, which sees human rights as ‘an old ideal that finally came into its own as a response to the Holocaust’—‘the most universally repeated myth about their origins’. This is the view that has underwritten the ideological ascendancy of human rights since the 1990s:

It became commonplace to assume that, ever since their birth in a moment of post-Holocaust wisdom, human rights embedded themselves slowly but steadily in human consciousness in what amounted to a revolution of moral concern. In a euphoric mood, many people believed that secure moral guidance, born out of shock about the Holocaust and nearly incontestable in its premises, was on the verge of displacing interest and power as the foundation of international society.

Moyn shows, however, that though the 1948 UN Declaration of Human Rights was undoubtedly an important document, it did not in itself enshrine the discourse as a hegemonic ideology: ‘In real history, human rights were peripheral to both wartime rhetoric and post-war reconstruction, not central to their outcome. Contrary to conventional assumptions, there was no widespread Holocaust consciousness in the post-war era, so human rights

could not have been a response to it.' Moyn argues that few directly cited the 1948 UN Declaration in the subsequent couple of decades. Indeed the *New York Times* barely mentioned the term 'human rights'. The UN itself arose as a concert of great powers and a staunch defender of state sovereignty. The struggles of the anti-colonial and Third World liberation movements of the 1950s and 60s, he suggests, were for the 'self-determination of peoples' rather than for individual human rights, while the 68ers criticized the Soviet bloc in the name of a 'better, purer' communism. Campaigns for human rights were largely restricted to Christian efforts on behalf of co-religionists, especially in the Communist world—'outmoded, wordy and hypocritical'.

The Last Utopia makes a strong case for seeing 1977 as the 'breakthrough year' for human rights discourse. Ideologically, the doctrine served as a replacement for 'those whose God had failed', whether that of socialism or of Third World liberation in the era of the crisis of indebted post-colonial states. The evidence here is largely French: André Glucksmann's *The Master Thinkers* and Bernard-Henri Lévi's *Barbarism with a Human Face* both appeared in 1977. Organizationally, Amnesty International already offered a model of local chapters campaigning for individual victims of persecution by lighting candles and writing letters to governments to plead for their release. Amnesty's founders came from a Christian humanitarian background and its first 'prisoners of conscience' were fellow-believers in the Communist bloc, but in the 1970s it began to take up the cases of torture victims in Latin America. It opened a Washington office in 1976 and was awarded the Nobel Peace Prize in 1977. But for Moyn the crucial catalyst is Carter's championing of human rights as the basis for a new, anti-détente US foreign policy in his 1977 Inaugural Address: 'Our commitment to human rights must be absolute'. He demonstrates how the doctrine could unite both left and right wings of the Democratic Party, yoking Carter's born-again moralism to a post-Watergate ethical renewal. Strategically, at the same time, it served to launch a new ideological offensive against the Soviet Union—internationally isolated by the success of the Nixon-Kissinger China policy—that presaged the start of what Fred Halliday would term the 'Second Cold War'. Moyn argues that it was the discourse's combined function as substitute utopia and superpower strategy that launched its hegemonic ascendancy.

It is the utopian element that Moyn appears to object to most: 'In and through their emergence as the last utopia, after predecessors and rivals collapsed . . . human rights were forced to take on the grand political mission of providing a global framework for the achievement of freedom, identity and prosperity.' Moyn is wary of the increasingly ambitious agenda of rights. He believes that: 'Instead of turning to history to monumentalize human rights by rooting them deep in the past it is much better to acknowledge how

recent and contingent they really are.’ These reflections lead to a suggestion that human rights have lost their way. Moyn believes that there may still be time to get back on the right track: ‘it may not be too late to wonder whether the concept of human rights, and the movement around it, should restrict themselves to offering minimal constraints on representative politics, not a new form of maximal politics of their own.’ A more restricted role for human-rights interventions—confined simply to preventing catastrophes, perhaps—would make room for ‘the contest of genuinely political visions for the future’.

The Last Utopia supplies a detailed, subtle and in many ways convincing account of the human-rights ‘surge’. Moyn’s case for a 1970s turning-point is a strong one and occupies the best chapters in the book. He rightly warns that human-rights discourse can de-politicize and oversimplify. In this respect his criticisms echo a famous argument made by Marcel Gauchet’s 1980 essay, ‘Les droits de l’homme ne sont pas une politique’. Moyn’s previous work has focused on French intellectual history: he has written on Levinas’s ethics (*Origins of the Other*, 2005) and on Holocaust awareness in France, and is the English-language editor and translator of Pierre Rosanvallon’s *Democracy Past and Future* (2007). (Still in his thirties, Moyn currently teaches European intellectual history at Columbia.) French liberalism famously split over the function of human-rights discourse some decades ago, when a more sober faction—François Furet, Pierre Nora, Rosanvallon, Gauchet—distanced itself from the ultra-liberalism of Bernard-Henri Lévy and Daniel Lindenberg: not anti-state liberalism but a liberal state was required. To some extent *The Last Utopia* may be seen as reprising, for a post-Iraq era, moves made thirty years ago in Paris. Moyn would like to see ‘representative politics’ adopt radical measures aimed at overcoming the yawning abyss in life chances, since massive inequalities will not vanish at the waving of the wand of ‘human rights’. However, he does not give much idea as to what ‘politics’ might reasonably do to challenge global injustices and global dangers.

There are important intellectual lacunae in Moyn’s account. He provides a brisk account of the treatment of human rights in international law, but has barely two lines on Myres McDougal, the militant Cold Warrior who was a towering figure in the field, and scarcely a mention of Hans Kelsen, universally acknowledged to be the global doyen of the discipline. More importantly, the large philosophical literature discussing the intellectual foundations of human rights is completely ignored. Bafflingly, Moyn offers no assessment of what Carter’s human-rights policy actually consisted of, confessing only that it may have been ‘selective’. Indeed: while Soviet dissidents were lauded, there was no question of calling the Shah, Suharto, Turkish generals or Saudi monarchs to account, and within short order the

Carter Doctrine had dispatched the Rapid Deployment Force to the Persian Gulf. But perhaps the most glaring absence of all is any discussion of the history of the doctrine since the end of the Cold War or of its deployment, from Clinton and Blair onwards, as a fig-leaf for Western war-mongering in the name of 'humanitarian intervention'.

This is a curious and damaging omission. During the 1990s, by any reckoning the West presided over a human-rights disaster in former Yugoslavia—notwithstanding the fact that it had an enormously strong hand to play, if its goal had been simply that of fostering democracy, safeguarding the rights of minorities and harmonizing the aspirations of the different republics and peoples of the Yugoslav federation. Despite its talk, the strategic goal of the Clinton White House was the expansion of NATO and not 'human rights'. If accepted as a partner, the Russian government was pathetically anxious to be of help, as I argued in these pages at the time. Determined to exploit Moscow's weakness to the hilt, it treated the CSCE and the Treaty of Paris as mere scraps of paper. If the Russians had denied oil and munitions to the Serbian forces, and if funds had been available to the federal Yugoslav authorities, Milosevic could have been first halted and then removed by domestic opponents—as eventually happened, but only after hundreds of thousands of deaths and the ethnic cleansing of millions. There is, of course, room for argument over details but the key point is that the West, notwithstanding its clamour about human rights, did not seriously attempt the peaceful regulation of the Yugoslav break-up by means of the established treaty. Moyn's iconoclastic challenge to pious myths in the early chapters is abandoned when he comes to the sorry latter-day adventures of 'HRD'.

But the abuse of human rights for great-power ends need not necessarily disqualify them as emancipatory tools. Here Moyn's 'minimal programme' of preventing, say, physical harm, would leave unchecked the global forces making for huge inequality and a planet of slums—forces which stunt the lives of hundreds of millions of the 'wretched of the earth'. A different sort of problem is raised by *The Last Utopia's* hostility to precursors. Moyn cites Marc Bloch's warning to historians about idolizing origins—believing that the trickle of melted snow must be the only source for the downstream flood of the mighty river, which may depend on new, unseen sources, joining the river where it swells. But his insistent denial of any and all antecedents is exaggerated and wrong. (As for Bloch, his own intense interest in *Feudal Society* in the waning of medieval slavery, and its bearing on later liberties, surely proves that he was far from proscribing all interest in antecedents.) The historical record simply does not bear out Moyn's claim that 18th-century appeals to natural rights 'led nowhere'. The process by which, for example, some abolitionists and slave rebels came to make such appeals was highly complex and contingent but no less momentous for that. Abolitionists drew

on slave witness and a few reached out to slave rebels. Together they inspired social movements of great illocutionary power and momentous acts of slave emancipation. There were certainly close links between state formation and nationalism, on the one hand, and slave emancipation on the other. But if abolitionism was often aligned with state interests it also enjoyed some autonomy as a social movement. In Britain in the 1780s or 1830s, or the United States in the 1830s and after, or in France in the 1840s, radical abolitionism sought to challenge and change the state. In a famous phrase William Lloyd Garrison, the anti-slavery veteran, denounced the US Constitution as a 'Pact with the Devil and Covenant with Hell'. The international scope of abolitionism also pointed to the emergence of new mentalities.

We can agree that fictitious lineages help no one. Nevertheless, if the first law of history is that the past is always another country, the second is that it is never beyond the reach of the present. Lynn Hunt's *Inventing Human Rights* (2007) sees the appeal to subjective 'rights' as a product of the new print culture of the 18th century, arguing that the wider identifications encouraged by the novel endowed readers with a new sensibility and sensitivity to suffering. She traces the emergence of a concern with 'human rights' as much to the psychology of the novel reader as to the arguments of the philosophers—with Rousseau, as philosopher-novelist scoring on both counts. While the political pamphlet appealed to the reasoning faculty, the novel or poem encourages the reader to imagine herself or himself in the situation of another. It directly aroused sympathy and de-familiarized oppression. The 'golden rule'—do unto others as you would have them do to you—acquired new dimensions in the realm of print culture, autobiography as well as novels. The reader could be invited to identify with those unlike themselves. The very modesty of Laurence Sterne's 'poor negro girl' in *Tristram Shandy*, who brushes aside flies with a feather rather than kill them, takes the reader off guard. The Corporal asks '(doubtingly)' if 'the negro has a soul?' to which Uncle Toby replies: 'I am not much versed in things of that kind; but I suppose God would not leave him without one, any more than thee or me.—It would be putting one sadly ahead of another, quoth the Corporal'. The Corporal then asks whether a black wench is to be used worse than a white one? When Uncle Toby says he can see no reason why, the Corporal replies that she had 'no one to stand up for her'. Uncle Toby responds: 'Tis that very thing . . . that recommends her to protection—and her brethren with her': 'tis the fortune of war which has put the whip into our hands now—where it may be hereafter who knows.'

Moyn is right to criticize modern rights-centred accounts which encourage 'church history' and a search for 'saints', but these are not the only ways to plot influences and contrasts. It was not necessarily easy to control and segregate the talk of rights in the 'Age of Revolution'. Those who went

beyond the rhetoric of liberty to challenge racial enslavement, for example, could not help coming into conflict with states enriched by Atlantic commerce. Thus the first writer to issue an unequivocal denunciation of slavery was George Wallace in a chapter devoted to the question in his book *A System of the Principles of the Laws of Scotland* in 1760. It is worth quoting as it clearly affirms an individual right. Wallace bluntly asserted that ‘men and their liberty are not *in commercio*’. He insisted:

For these reasons every one of those unfortunate men who are pretended to be slaves, has a right to be declared free for he never lost his liberty, he could not lose it, his prince had no power to dispose of him. Of course the sale was *ipso jure* void. This right he carries around with him and is entitled everywhere to get it declared. As soon, therefore, as he comes into a country where the judges are not forgetful of their own humanity it is their duty to remember that he is a man and to declare him free.

I suggest that this is the first clear statement that Atlantic slavery was incompatible with what could surely be described as a human right, or of what Ted Honderich calls the ‘principle of humanity’. Wallace explicitly elaborates that ‘it is intolerable to abuse mankind that our pockets may be filled with money or our mouths with delicacies.’ He declares private property to be ‘the bane of human felicity’. His chapter on slavery achieved wide currency. It was reprinted in several editions in a collection published by the Quaker and abolitionist pioneer Anthony Benezet. It also served as the basis for the entry under slavery in the French *Encyclopédie*.

The abolitionist case also required an ability to foster a sense of responsibility amongst its hearers and readers for actions taking place out of sight, indeed thousands of miles away. Then as now complex commercial relations obscured such responsibility, or distributed it so broadly as to counsel resignation and passivity. Abolitionists had to make a case that such an apparently innocent and peaceful act as shopping was laden with moral implications and linked to the violence of the slave traffic, and the remorseless driving of the slave gangs. These lines—by the seventeen-year-old Mary Birkett—are from a 1792 poem ‘addressed to her own sex’, which asks ‘Shall for us the sable sufferers sigh? / Say, shall for us so many victims die?’:

Say not that small’s the sphere in which we move,
And our attempts would vain and fruitless prove;
Not so—we hold *a most important share*,
In all the evils—all the wrong they bear.

Moyn denies that the Haitian revolutionaries were animated by a concern for ‘human rights’, and tries to buttress his claim by drawing on what he takes to be the more hard-headed approach of C. L. R. James in his *Black Jacobins*:

James did not think of presenting Toussaint L'Ouverture and his confederates as human-rights activists before their time. A Trotskyist, James' view of *droits de l'homme*, instead, seems to have been as the 'wordy' promises of eloquent 'phrase makers' who, driven by the true economic motor of history to 'perorate', were in the end only willing to give up the aristocracy of the skin at the point of the gun.

James was certainly scathing about those who prated about the 'rights of man' while upholding a vicious slave system. But he was neither a cynic nor a reductionist, wedded to 'the true economic motor of history'. James acknowledged the power of revolutionary ideals and noted that Toussaint invoked 'liberty and equality' in his declaration of 29 August, 1793. Likewise James stressed the huge importance of the moral factor. 'It was the colonial question which demoralized the Constituent Assembly', James insisted. 'To avoid giving the Mulattoes the Rights of Man they had to descend to low dodges and crooked negotiations that destroyed their revolutionary integrity.' We should recall that Toussaint L'Ouverture won his most important victories over Britain, Spain and the French royalists as a Republican general.

Charting the changes in slave mentalities at a time of revolution is very difficult. We have to dig beneath ready-made notions—whether of purely heroic rebels or of implacable caste hatreds—to bring to light the forging of new identities and new ideals. The Haitian Revolution appealed powerfully to the Romantic imagination, but understanding it is not helped by the seductive and romantic notion that slaves were bound to rebel, bound to champion a general emancipation and bound to triumph (or to fail). It is important to note that the slave community had a reality, notwithstanding the hierarchy and heterogeneity within it between Creoles and the African-born, or between different African nations. The racialized structure of exploitation fostered a countervailing solidarity, since only those of African descent were enslaved. The Kréyole saying *tou moun se moun*, 'everyone is a person', perhaps echoed the African notion of *ubuntu ngumuntu ngabantu*—a person is a person through other people. This was a connection reiterated by Jean-Bertrand Aristide, the democratically elected President of Haiti overthrown by a Franco-American coup in 2004, in his introduction to a new collection of Toussaint L'Ouverture's writings, *The Haitian Revolution*.

I readily grant that modern human-rights doctrines belong to a different world to that inhabited by the revolutionaries of the 1790s; but putting it the other way round, considering anti-slavery's impact on modern political culture, and the diverse attempts to appropriate the abolitionist legacy, is another matter. Claims for rights were often distorted. But they were also sometimes radicalized in the course of the struggle and as a consequence of their bid to capture the popular wave. Not infrequently the claimants themselves came up with improved formulations and more precise and relevant demands.

In the 1860s, African American congresses in New York, South Carolina and Louisiana issued 'Declarations of Rights and Wrongs' and demands for 'public rights'—equal access to public transportation and accommodation. There is a living tradition here that cannot be artificially arrested at some privileged moment. The problem with Moyn's re-reading is that it overstates one important conjuncture—the 1970s—and plays down any sense of a longer history of rights, both before and after his magic moment. Thus Moyn argues that few directly cited the 1948 Universal Declaration of Human Rights in the twenty years that followed its adoption by the UN; during this period, the *New York Times* barely mentioned 'human rights'. Yet the Non-Aligned Movement formally adopted the Universal Declaration at its meetings in Bandung and Lusaka.

The Declaration had far-reaching significance because it defined the meaning of the defeat of fascism and, by incorporating significant social and economic rights, summarized the results of nearly a century of labour struggles. Anti-racist movements in South Africa and the United States also rightly claimed its mantle. The framers of the UN Declaration in the late 1940s were certainly aware of the terrible carnage that had wiped out some seventy million human beings; they were offering a response to the widespread aspiration for a world without the terrible ravages that had just been experienced, and without the distempers and depression that had produced the War in the first place. Roosevelt's 'Four Freedoms' included 'freedom from fear', one with a particular relevance to African-Americans living in the Southern Jim Crow regime. Many of the social rights in the 1948 Declaration echoed the Soviet Constitution of 1936—drafted, it should be noted, by Bukharin, not Stalin, as a widespread myth has it. The Declaration reflected, rather than created, the longing for an attainable utopia. One of the impulses that led to its drafting was an 'Appeal to the World' from the US National Association for the Advancement of Coloured People (NAACP), written in part by W. E. B. DuBois, and which—as Moyn is obliged to note—presented 'African American subordination as a human-rights violation'. (Carol Anderson's outstanding book, *Eyes Off the Prize*, helps to fill out this narrative.) The 'Appeal to the World' was formally submitted to the UN in October 1947; Eleanor Roosevelt, a member of the NAACP, was apparently alarmed at the possibility that the Soviet delegation would use it against the US government.

DuBois saw the anti-colonial agenda and the demand for African-American equality and freedom as allied and mutually supportive: African-Americans would step up their support for decolonization and the appearance of new African and Asian states would—in the climate of incipient Cold War rivalry—increase pressure on the US government to guarantee African-Americans the enjoyment of rights they had been so long denied.

Though DuBois himself would be driven out of the NAACP by a right-wing campaign, the implicit alignment between movements to end white rule in Africa and movements to end Jim Crow in the US was clear enough. The 'human rights' idea was taken up in different ways by the South African Freedom Charter, Kwame Nkrumah, Martin Luther King Jr, the Student Non-violent Coordinating Committee and the 1968 Olympic Project for Human Rights. Moyn apparently does not regard the anti-racialist component of much anti-colonialism and anti-imperialism as a dimension of the 'human rights' package—wrongly, in my view. The struggle against apartheid South Africa was an icon of the anti-imperialist movement and surely had an absolute claim to the banner of human rights.

Moyn's scanty coverage—barely a paragraph—of the internationalist left in the 1960s and 70s is equally cloth-eared. He writes of the Bertrand Russell War Crimes Tribunals, 'these versions of internationalism were a world away from the human-rights movement soon to form'. Quite why the Russell Tribunal could be denied any concern with human rights is not clear. One of its members, Jean-Paul Sartre, declared in this journal that its deliberations were animated by 'a certain idea of human life'. Its initial aim was to apply the Nuremberg and Geneva norms to US conduct in Indochina and to publicize the associated crimes against humanity. At the initiative of some Latin American leftists, a further Russell Tribunal was established in the 1970s to investigate and document violations by dictatorships in Latin America, with its death squads and disappeared ones. While many involved in the Tribunal had anti-capitalist commitments not shared by many later human-rights movements, their abhorrence of arbitrary state repression, wherever found, was not 'a world away'.

For Moyn, the 1960s and early 70s were an age prior to human rights, in which 'the romance of third-world revolution and, where necessary, guerrilla warfare provides the starkest counterpoint to later human-rights activism'. In fact, that period witnessed a proliferation of movements that helped dramatically to widen notions of 'human rights': women's liberation, gay liberation, the hopes for 'socialism with a human face' in Czechoslovakia, the overthrow of dictatorship in Portugal and Spain, the European surge of trade-union mobilizations. Régis Debray's pamphlet *Revolution in the Revolution*, to which Moyn refers, was not 'breathlessly consumed' but critically debated. A striking passage in one of Debray's essays insisted that the death of an enemy soldier was no less a human tragedy than the loss of a revolutionary fighter, for 'the tragedy is that we do not kill objects, numbers, abstract or interchangeable instruments, but, precisely, on both sides, irreplaceable individuals, essentially innocent, unique for those who have loved them, bred, esteemed them'—'It is not individuals who are placed face-to-face in the battles, but class interests and ideas. Yet those who fall in

them, those who die, are men, are persons. We cannot avoid this contradiction, escape this pain.'

The Latin American leftist guerrillas were suppressed with great brutality in one country after another from the mid-60s onwards. From Kennedy to Carter, Washington turned a blind eye to death squads, or even connived at their activities. Within the guerrilla movements an internal critique emerged, to which Debray contributed with his 1974 *Critique des armes*. The memoir of an indigenous Guatemalan woman, *I, Rigoberta Menchu*, edited by Elizabeth Burgos Debray, exposed the horrendous slaughter and showed that the defence of human rights was a critical terrain if the leftist movements were to regain the initiative against a string of Latin American dictatorships. The book helped to inspire a momentous reorientation and resurgence. This would not be news to Moyn, who has a disconcerting tendency to modify his argument as it proceeds. After consigning the Russell Tribunal's Southern Cone war hearings, with their crucial Latin American participation, to 'another world' from that of human rights, he calmly announces: 'It was the decision of a sector of the Latin American left to resist the regional repression in human-rights terms that helped to make the fortune of the concept in that region and beyond.'

I have already noted Moyn's evasion of the problem posed by the latter-day militarist and imperialist instrumentalization of human-rights discourse by Washington and its allies—those who would impose freedom and democracy from 30,000 feet. Yet for an internationalist left, this remains a central question. I would argue that human rights cannot be written off just for that reason. Just as the 'rights of man' or abolitionist demands were sometimes misappropriated in past centuries, so 'humanitarianism' has all too often been adopted as cover for post-Cold War militarism in recent times. It is necessary to disentangle the different uses of human rights—and to register that cynical attempts to exploit its language are likely to backfire. If the discourse of human rights had never been more than diplomatic jargon, it would not have become hegemonic; and if it does end up being no more than such a jargon, it will have lost its hegemony. In practice, the language of rights is used to attract and maintain a following. Those who wage imperial wars in its name are adopting a risky strategy that can blow up in their faces. Equally obviously, movements of protest against torture, arbitrary arrest, imprisonment are desperately needed in many parts of the world. Those attacking the US or British governments for 'rendition' and the torture of suspects, or those claiming labour rights in China, find succour in human-rights language even if they would also need to reach beyond it.

We need to deepen our notion of human injury so that it can register, for example, the myriad of tiny, innocent decisions or actions which reproduce global deprivation and environmental degradation. We need to

recall the human-rights implications of Western governments' brisk sales of devastating weaponry to repressive regimes. What counts as a human right is not completely malleable but must prove itself, not just at one time and in one place but across a range of different contexts; this being an important reason why the evidence of history matters. Social and economic demands with a progressive character—the right to work, pensions, basic income, minimum wages, shorter working week, universal healthcare etc.—can sometimes be advanced using the language of rights, even if over the past twenty years 'HRD' has more often been tethered to the liberal-imperial masthead. Conditions could change, and efforts to bring out the anti-militarist and socially egalitarian potential of respect for human rights, without quote marks or abbreviation, deserve support.

Marxism has sometimes been seen as exalting the workers and toilers, and thus rejecting any humanist claptrap. But Marx's adherence to the necessity of class struggle did not prevent him from arguing that capitalism was frustrating the full development of humanity's 'species being'. Without essentializing or idealizing the 'human', he and Engels concluded the *Communist Manifesto* by declaring that their goal was an association in which 'the free development of each is the condition for the free development of all'. This lucid and innovatory goal evokes an as yet unattained standard. The *Manifesto* insisted that it was necessary first to win 'the battle for democracy', rights of organization, public debate and representation; points reiterated in the International Workingmen's Association addresses, as drafted by Marx. Pointing this out does not mean that Marx always gave as much attention as ideally he should have to the specific situation of women, farmers, shantytown dwellers, the wageless or the low waged 'precariat'. But it does suggest that there is conceptual room within the Marxist schema of social relations for categories that refer to the human species as a whole. The requirements of human flourishing have certain material and ideal components and these furnish an anthropological basis for the notion of 'human rights' and popular recognition of this fact helps to give rights claims their traction. What does, or might, constitute the 'truly human' is not already given but is a work in progress and will be shaped by the sort of dialogue that led to slave emancipation and the post-emancipation struggles. Thus feminists have felt the need to insist that womens' rights are human rights. And in some situations even the denunciations of human rights may contribute to a clearer view of human progress.

The legacy of past struggles remains itself a resource in combating new oppressions and destructions. It should not be approached in the spirit of 'church history' nor with the goal of monumentalizing the past. And the ambition must be neither maximalist nor minimalist but rather adequate to the scope of the problems humanity faces. 'Human rights' can serve

as a valuable watchword and measure. But because inequality and injustice are structural, constituted by multiple intersecting planes of capitalist accumulation and realization, more needs to be said—especially in relation to financial and corporate power and how these might be curbed and socialized. The plight of billions can be represented as a lack of effective rights, but it is the ‘property question’—the fact that the world is owned by a tiny elite of expropriators—that is constitutive of that plight. The slogan of rights takes us some way along the path; but it alone cannot pose the property question relevant to the 21st century.