

# INTERVIEW

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## Reflections on ‘The Last Utopia’: A Conversation with Samuel Moyn

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### Abstract

Samuel Moyn's *The Last Utopia: Human Rights in History* challenges the conventions of human rights historiography and offers a fresh and thought-provoking perspective on the origins of the global human rights movement. *Journal of Human Rights Practice* Co-Editor Brian Phillips spoke with Samuel Moyn about *The Last Utopia* and its reception – and about the future of the global human rights movement – in his office in New York in February 2011.

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Samuel Moyn's *The Last Utopia: Human Rights in History* (2010. Cambridge, Massachusetts: Belknap Press/Harvard University Press) challenges the conventions of human rights historiography and offers a fresh and thought-provoking perspective on the origins of the global human rights movement. Samuel Moyn is Professor of History at Columbia University. He is the Co-Director of the Consortium for Intellectual and Cultural History, Editor of *Humanity*, and Co-Editor of *Modern Intellectual History*. His previous books include *Origins of the Other: Emmanuel Levinas between Revelation and Ethics* (2005. Ithaca: Cornell University Press) and *A Holocaust Controversy: The Treblinka Affair in Postwar France* (2005. Waltham, Massachusetts: Brandeis University Press). *Journal of Human Rights Practice* Co-Editor Brian Phillips spoke with Samuel Moyn about *The Last Utopia* and its reception – and about the future of the global human rights movement – in his office in New York in February 2011.

**JHRP:** In *The Last Utopia*, you argue persuasively against a kind of human rights historiography that you describe as a ‘celebration of origins’. The book dismantles the triumphalist narrative that views the late 20th century international human rights movement as the inevitable culmination of a

continuous intellectual and political tradition extending back at least to the 17th and 18th centuries. Instead, you locate the movement's almost-accidental origins in the very particular historical circumstances of the mid-1970s. That now-discredited triumphalist narrative has certainly served as an important vehicle for inspiration and mobilization among human rights activists in the past. Do you have any thoughts on what story might replace that formerly sustaining narrative once it has been discarded?

**SM:** For activists – especially ones who have been around for a decade or two – there is a strong sense of self-conscious invention, that people have been making it up as they go along. Replacing the celebration of origins with a narrative about inventive recent activists is likely to make human rights more exciting, not less.

In fact, I think the single biggest discovery I have made since writing the book is the discovery of how much people in the field, such as activists and especially those associated with some of the major advocacy organizations, already knew this widespread story was false. For example, I had the treat of presenting the book to staff at Human Rights Watch, which as an organization – unlike Amnesty International – really does originate in the 1970s. Perhaps for that very reason, they are very happy to acknowledge that something discontinuous happened at that moment.

Yet as you suggest, lots of traction has been gained within organizations – but especially beyond them – by trying to embed these recent causes within a much grander and longer term historical framework. And once that framework is dismantled, it makes the movement more easily changeable and correctable if it's felt to be going wrong. If something seems like it's the outcome of a millennium or even a century or two of tradition it may seem more like the Titanic that is hard to steer. In contrast, once activists and people in the general public become self-conscious that human rights were a response to a very particular historical circumstance that we may outlive, we can adjust to suit new circumstances. That's what I hope would happen.

**JHRP:** Were there any responses to your presentation of the book to Human Rights Watch staff that particularly interested or surprised you?

**SM:** I was surprised at how enthusiastic they were. And I think I realized through the experience of talking to them that there's a distinction that needs to be made – which I have started to make in some public appearances – between human rights as activists pursue it and what you might call the 'idea' of human rights as it is talked about and invoked in public debate, and especially by politicians crafting messages for large audiences, and theoreticians of international affairs. These are not totally separate things, but they are not the same either.

Of course, my own argument in the book is that human rights activists are – in contrast to prior dreamers – realists and minimalists. But when you

really encounter them in person you get a strong sense of just how flexible and realistic that they are, and how much they are intent on a manageable idealism that fits changing circumstances. So getting a sense that they are very open to this sort of message was a pretty big revelation – even as I have faced serious resistance from some others in the world of intellectuals and public policy and so on.

There was one moment at Human Rights Watch that surprised me. In the conclusion to the book, I outline the risk that, in pretending that human rights works according to moral principles on which everyone already agrees, human rights movements depoliticize what ought to be real fights over principles. Human Rights Watch staffers seemed pretty confident that they are aware of this risk, and that they don't run afoul of it. Kenneth Roth, who is in charge of Human Rights Watch, was very clear that human rights is a project, at least in his organization, that is supposed to be outside politics in the name of non-negotiable principles but that does not displace politics – it's there, in a sense, to tell different political causes what's permissible and what's prohibited but otherwise let them be in contest with each other.

I am not so sure. He didn't seem as willing to admit how far human rights as an idea has gone in the last 30 years towards displacing that contest, or at least becoming the language that everyone uses to pretend that we all already agree about what direction we should take. It is very encouraging that Kenneth Roth is aware that human rights are not a panacea and that a monitoring or informational and pressure group such as Human Rights Watch must have clear limits to its agenda. The trouble is that outside advocacy groups, or outside that one, the idea always threatens to spill over those limits.

**JHRP:** In identifying the emergence of the human rights movement out of the collapse of failed 19th and 20th century utopian visions, you have written that 'one of the distinctive features of human rights consciousness in the crucial years of the 1970s was that appeal to morality could seem pure even where politics had shown itself to be a soiled and impossible domain'. You speak of human rights activists aspiring '... to achieve through a moral critique of politics the sense of a pure cause that had once been sought in politics itself'. As major international organizations such as Amnesty International and Human Rights Watch have moved decisively into the area of campaigning and advocacy on economic and social rights during the last decade, do you see human rights in some sense inevitably becoming more explicitly political in its approach to the global poverty agenda?

**SM:** In the view of Human Rights Watch, at least at the meeting I had with its staff, it is possible to indict regimes that are not fulfilling their role of providing basic subsistence or other kinds of economic, social and cultural rights that are often called for in the constitution of the country concerned and certainly in the Universal Declaration of Human Rights and other

sources. But they also think that it is not the role of human rights organizations to offer a political program or a proposal for how they might overcome current limitations. In contrast, I think it was always the cause of groups interested in economic and social rights not just to indict the shortcomings of existing regimes but to press at times for new regimes – and in any case to be programmatic about how these economic, social and cultural rights might be achieved.

Indeed, when we look at the history of rights, that's very much the history in the 19th century – when rights are still the creature of the nation-state, as I argue in the book. Just announcing formalisms or entitlements on paper may be plausible up to a point, but at a certain moment it becomes clear that the conditions – including social and economic conditions – for those formal promises to have meaning are what really matters. It seems as if we are at that point in the international human rights movement of moving from formalities on paper to a politics of real conditions.

Of course, famously in the case of Human Rights Watch, one of the founders, Aryeh Neier, lost the battle over whether social and economic rights were to be regarded as rights at all. And it is clear that people who are interested in southern interpretations of human rights and in the Global South in general do think this is the next frontier for the movement. The question is whether this will be intelligible or whether it will in a sense take us beyond the human rights movement to try to move from announcing formal entitlements to seeking how to secure the real conditions for their enjoyment. It seems inevitable that human rights will have to sacrifice the pretence of being above the fray and being non-programmatic if they want to extend the cause to these issues. To put it differently, there is no way to move from announcing formal entitlements to securing real conditions for their enjoyment without acknowledging different possible paths and controversial political choices.

**JHRP:** In the book, you sound something of a cautionary note about the risks of 'maximalist' utopian visions – underlining the way in which it was the 'minimalist' quality of the human rights project that became crucial to its initial flourishing. You also make note of the way in which, during the years that followed that first era of prominence, 'the increasing role of human rights in Western social discourse, together with the collapse of alternative frameworks . . . meant that practically all political concerns had to be reformulated in their terms and addressed by them'. For example, you highlight the way in which today human rights and humanitarianism have become 'fused enterprises'. Do you think the human rights paradigm can go on indefinitely absorbing new issues and concerns, or will there be some kind of saturation point? Is there a risk of the whole framework collapsing under the weight of proliferating expectations?

**SM:** I want people to meditate on a paradox, which is that human rights emerged as a minimalist alternative to full-spectrum promises of liberation and emancipation – and yet in our time they really seem to be turning into a version of the sort of thing to which they were supposed to be an alternative. I don't think their minimalist origins forbid human rights from becoming a maximalist program – indeed it seems as if that transformation is well under way. An old guard of Neier and others who really did want to insist on a kind of minimalist core have lost the battle within their organizations. I think the bigger question now is whether the abstract commitment to the full panoply of rights will lead to consensus among human rights organizations around the world about what it will mean to press for these rights, or whether we will see some kind of splintering of the human rights movement.

As a historian, I think these possible outcomes have their earlier analogues – although they may be new in their global scope. In the 19th century, the story is one in which, nearly as soon as social and economic concerns began to be taken seriously, socialism splinters. Alongside the move from formal entitlements to real conditions, there was a vast pluralization of different politics of 'realizing rights'. And in some ways the internal contests within socialism were as remarkable a feature of 19th century politics as the emergence of socialism itself. So the same process of fragmentation after expansion may be the script that human rights follows in the near future. In any case, it will be very hard to embrace a full-spectrum approach while at the same time keeping some kind of unity about what it means to advocate for human rights.

**JHRP:** The arguments of those currently initiating and shaping new programs of work in the human rights movement can often be very interesting in this regard. To some activists, particularly but not exclusively those 'older' generations of human rights practitioners, this emphasis on new priorities for research and campaigning (social and economic rights or environmentalism, for example) sometimes seems to suggest that much of what we might describe as the more 'traditional' human rights agenda of the 1970s and 1980s (for example the abolition of torture) has been already achieved and that the focus needs to be elsewhere now. Could you reflect on the consequences of these shifts in priorities for the human rights movement today?

**SM:** It's a kind of complacency that tries to stave off conflict by pointing to settled achievements or narrates the past as if it provided a stable foundation on which to proceed now. To take one prominent example, many figures have read the postwar history of human rights as one of standard-setting – and now that this stage is over, they envision a move to implementation. What the storytelling shows is that in their consciousness, the real moral work of the definition of the problem had already been accomplished – whereas it turns out that in fact many norms are not just fragile but remain undefined in a host of different ways.

A different way to think about the history of international human rights is as a winnowing process which achieved a brief moment of power based on short-lived consensus. In the book, I concede that human rights were powerful in the case of a series of causes – especially for Eastern Europeans and Latin Americans (and their transnational advocates) in the 1970s and 1980s. But it was the very minimalist version of human rights forged in and through these specific causes that conferred power on them. This occurred not so much through standard-setting as through stripping down rights claims which had been much more full-bodied at many points in the past, including in the Universal Declaration of Human Rights, with its long list of entitlements. Today, after the brief era of minimalist power, as human rights incorporates a host of moral demands, the minimalist tool – with its very specific power in very specific historical circumstances – might be blunted.

Yet expansion seems inevitable. It is related not simply to the addition of social and other rights, as you and I discussed above. It seems driven mainly by a turn away from or beyond the formative locations of human rights activism in Eastern Europe and Latin America towards the places where post-colonial states now exist. One of the principal themes of my book is about the relationship between the end of colonialism and the rise of human rights – the latter eventually substituting for earlier investments in anticolonial nationalism that were increasingly seen to be misplaced.

I would add that the origins of international human rights in part in the collapse of the anticolonial enthusiasm is something that the movement has not really worked through yet. Often the story of really exciting institutions like the International Criminal Court – when you look more closely – turns out to be really a story about the impugned sovereignty of certain post-colonial states in Africa. And as human rights – especially in those locales – further takes up problems of poverty and immiseration and becomes entangled with humanitarianism, what is really at stake is the future of the post-colonial state and our relationship to it. I think this fact requires much more consideration.

**JHRP:** You argue in *The Last Utopia* that prior to the appearance of the international human rights movement in the 1970s, questions of rights had essentially remained ‘struggles over the form of the nation-state and the meaning of citizenship in it’. One of the defining features then of the international human rights movement becomes this new concern for the suffering of others in distant lands – an agenda that to some extent displaces those earlier, very nation-specific struggles. In response to this internationalist shift, the giants of the human rights movement like Amnesty International and Human Rights Watch established cadres of what we might call universal civil servants based in big headquarters buildings in London and New York to carry out impeccably impartial programs of research and advocacy on countries around the globe. But there are signs that this mode of working

may be changing. During the last decade, national membership sections of Amnesty have already been granted much greater autonomy in terms of setting organizational priorities and carrying out work programs that they deem relevant to their own country. More recently, Amnesty International's new Secretary General, Salil Shetty, has spoken of the need for a radical decentralization of his organization's International Secretariat in London – moving away from that universal civil service model and thereby rooting the movement more firmly in diverse local environments.<sup>1</sup> If an organization like Amnesty is pursuing such a strategy, do you think we might ironically end up returning to a situation where human rights struggles are again about much more localized debates and interventions – with human rights once more becoming predominantly a matter of achieving rights within the framework of the individual nation-state rather than serving as the basis for a global movement?

**SM:** This is an excellent question. It's clear that the old model persists. In talking more with people at Human Rights Watch – which has a shockingly low number of employees: 200 people the world over – it is clear that it's really an organization that's based in New York and branches out from there in pretty superficial ways. They have expanded rather drastically the number of outposts they have around the world, but it's clearly a top-down organization that sets its agenda and determines its projects in New York City. I guess the objection – and it sounds like it's a valid one from the point of view of the Amnesty move you describe – is that such a model is insufficiently local and participatory.

One view of that worry is that it shows the need for 'vernacularization'. Some, like Sally Engle Merry, suggest that the very abstract norms that may be above nation-states need to be translated into local idioms through such processes. But perhaps the Amnesty attempt to localize will end up becoming a return to an older model of rights advocacy that predated international human rights. In other words, you might argue that we are in a phase of return to geographically bounded state and regional contests over the entitlements given to citizens within local spaces. For what will be interesting as this process at Amnesty takes place – and I suppose no one knows what will happen – is that with sufficient dispersion of advocacy, national sections will simply go their own ways in defining the important norms and deciding how to pursue them. If they all end up being variations on common themes then it will still be plausible to speak of a global human rights movement. But if

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1 In an article in *The Observer* (UK), Salil Shetty has said of Amnesty International that 'our presence in the developing world needs to expand. We need a more vibrant presence in India, Brazil and Africa so that it is people there who are doing the research and the campaigning and not people sitting in London'. Safraz Mansour, Salil Shetty: Amnesty International's New Voice in the Fight against Injustice, *The Observer*, 15 August 2010.

the dispersion is much more radical, then they'll be unified only in name or spirit but not in reality or in practice.

I'd say it will be a real return to older forms of rights advocacy if the descent to the local happens not just out of concern for participatory inclusion but also out of recognition that there are not adequate global tools for enforcement of norms except the ones that are locally built and deployed. That seems to have been one of the original insights of statist, people who built the state because it was only locally – within citizenship communities of a certain kind – that structures and techniques for realizing rights can be found. I talk a lot in the book about Hannah Arendt who, of course, worried that ascending above the state would also mean ascending above the places where we actually do know how to provide enforcement mechanisms. Perhaps in the long view the international human rights movement will end up looking like a mistaken detour – or, more optimistically, a premature experiment before a rights politics truly beyond nation-states could be achievable.

**JHRP:** You cite the current boom in the field of transitional justice as a notable example of the 'creative mutation' of the human rights project since its origins in the historical events of the 1970s. The transitional justice agenda has certainly become a focal point for both human rights practitioners and scholars in the past two decades. Could you reflect on this very particular phenomenon?

**SM:** Actually, it was one of the first aspects of human rights to which I was introduced. When I was a student at Harvard Law School, I took a class with José Zalaquett on transitional justice. And I have to say that since the class I have been a bit of a sceptic about it – in part for reasons we discussed earlier.

In Egypt, as we speak, it seems as if the claim to human rights is an exceptionally powerful tool for the critique of a regime that people have not chosen. But when it comes to constructing an alternative, I think we should be very suspicious of the idea that there is one path or recipe that is going to be uniquely compatible with human rights. It seems as if the moment of founding a nation – whether after dictatorship or empire – is the moment when we should be encouraging the most room for manoeuvre and most experimentation about the basic terms of social life and the nature of political institutions.

The creation of theories of transitional justice seems to me to be not about human rights, but using the idea of human rights – so linked as it is to the fiction of a pre-existing moral consensus – to dictate a path into the future for a nation that is moving out of a phase of dictatorship. If there is going to be a plausible theory of transitional justice it would have to be one that really emphasizes the huge plurality of options – including untried and not yet imagined options – that a nation in transition away from a dictatorship



might take up. If my chronology in the book is right, the resistance against various totalitarianisms and authoritarianisms was the first moment of crystallization for human rights – but of course, when they fell, the time for another project came about. And it was tempting to think that through transitional justice human rights would take us across the divide from opposition to constitution-making and national construction. They couldn't: a fiction of moral consensus served well to oppose, but construction requires political dissensus.

**JHRP:** In your concluding chapter, you touch on the conflation of the human rights paradigm with the project of 'democracy promotion' – most especially by US neoconservatives associated with the Reagan Administration – during the 1980s. Could you reflect on the consequences and future of that blending of agendas (and indeed of the subsequent linkage of human rights with the idea of 'governance') in the wake of the wars in Iraq and Afghanistan? Has the human rights movement been irreparably damaged by these developments?

**SM:** I have been tempted to think so. But the only way to begin to reflect on this problem is to remember that while neoconservatives were some of the first to prominently invoke human rights, in the 1970s they did not succeed in equating human rights with democracy. I've been taken to task by one critic, Gary J. Bass writing in *The New Republic*, for distinguishing between human rights and democracy promotion, but in fact I would insist on the distinction, both historically and politically. As I've noted elsewhere, the Universal Declaration is basically mute on whether democracy is the best or only regime form, and the earliest human rights activists in Eastern Europe and Latin America in the 1970s were not committed to liberal democracy simply as a synonym for the universal rights they invoked against their regimes.

As Nicolas Guilhot has shown in his terrific book *The Democracy Makers*, the notion of democracy promotion has other sources and really only came into its own in the 1980s, initially as an academic project, albeit one connected to various political agendas from the first. If you like, neoconservative democracy promotion was the right-wing version of the social rights agenda you and I discussed above: a version of the attempt to convert human rights from the minimalist project of moral vigilance into a constructive and programmatic politics. Much has been at stake in whether human rights get converted into the positive agenda of 'promoting democracy' – notably in the 1980s when Americans thought that meant supporting authoritarian regimes on the grounds that they would 'evolve' into democratic ones (when communist ones would not).

Ultimately, I would indeed contend that human rights were damaged by their annexation to democracy promotion, and this danger has cropped up again today when American neoconservatives and liberals are currently arguing whose version of democracy promotion has been vindicated by the Middle

Eastern revolution. This doesn't mean that human rights have been irreparably damaged: they have meant too many things to too many different people for their appropriation by American neoconservatives and liberal internationalists to define them fully. But both approaches provide wonderful examples – in a contest that is still unfolding in my country – of how, after their golden moment in the 1970s, human rights have been tempted beyond their original minimalism. Now what matters about human rights, here and around the world, is the fight over what they really mean, or the search for alternative languages that aren't prone to such proliferation and appropriation.