

# International Human Rights

THIRD EDITION

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## Globalization, the State, and Human Rights

It is difficult today to talk about international relations for more than a few minutes without at least raising the issue of globalization. (The other unavoidable issue is terrorism, the subject of the next chapter.) What are the implications of globalization for human rights? I focus here on globalization as a set of processes that challenges the political, economic, and cultural primacy of the state. Because the global human rights regime, as we have seen, relies primarily on the national implementation of internationally recognized human rights, this suggests that globalization is undermining the principal mechanism for implementing and enforcing human rights. This chapter focuses in particular on the challenge that globalization poses to economic and social rights.

### 1. GLOBALIZATION

Globalization is generally understood literally to mean the creation of structures and processes that span the entire globe. People, goods, and ideas increasingly move and interact across—even irrespective of—national territorial boundaries. Politics, markets, and culture become transnational and even global rather than national.

Most prominently, globalization has involved the spread of capitalist markets and the growing transnational integration of market-based systems of production and distribution into the farthest reaches of the globe. Understood in this sense, though, globalization goes back at least to the maritime expansion of the West that began in the late fifteenth century. Karl Marx provided the classic analysis of globalization thus understood. His account of colonialism emphasized the progressive economic and social changes introduced by capitalist markets no less than the brutalities of capitalist imperialism. Marx also emphasized the internationalist perspective of the working-class movement, which he saw as a response to the transnational logic of capital accumulation.



Other aspects of globalization also have roots running back centuries. For example, today's telecommunications revolution, involving high-speed digital networks with ever growing bandwidth, has a lineage that stretches back not just through television, radio, telephone, and telegraph but to steamships, railroads, and clipper ships. The globalizing spread of ideas and practices of electoral democracy and individual human rights builds on the centuries-old spread of sovereign territorial states and the incorporation of the entire globe into what was originally the European states system.

Nonetheless, it is plausible to suggest that the pace of change has accelerated, with important qualitative differences that have become evident in the decades on either side of the year 2000. Political action above, below, outside, around, and even without much concern for the state is much more of a practical reality for a much greater number of individuals and groups, in a much greater number of arenas and areas of concern, than it has been for at least the preceding century and a half—which in many ways looks like the era of the nation-state.

Globalization today increasingly involves truly global, as opposed to merely international, processes and issues. Although international relations certainly remain central, supranational, transnational, subnational, and global issues, actors, and identities are much more prominent now than in the past.

This is particularly striking when we look beyond global flows of goods and services to globalizing changes in ideas and identities. The growing transnational consolidation of capitalist markets has been accompanied by the spread of neoliberal market ideology and its enforcement by multilateral agencies and multinational banks and corporations. The spread of American or Western economic and political power has been matched by the spread of Western economic and political ideas and models—including human rights. Revolutions in communication and transportation have even begun to alter our understandings of space and time, how we conceive of ourselves and the communities in which our lives are embedded, and how we relate to government.

The sovereign nation-state, which in the nineteenth and twentieth centuries typically appeared to be the optimal size for economic, political, and social organization, today often appears too small. Faced with ever larger and stronger business enterprises that are adopting a truly global perspective, even powerful states are losing control over aspects of their economies and polities that they had grown accustomed to dominating. Regional and international organizations increasingly influence, and sometimes even make, decisions that once were unquestionably the province of states. Transnational nongovernmental organizations now exert powerful and sophisticated pressures on states (and businesses) on issues such as human rights and the environment.

At the same time, globalization often makes the state appear too large. Local and regional autonomy has become a common theme, especially (but not only) in Europe. Spain has perhaps gone the farthest among nonfederal states in devolving spending and decision making to regional authorities, not just in the Basque and Catalan regions but throughout the country. Consider also the creation of the Scottish and Welsh parliaments in the United Kingdom, the emergence of the Northern

League as a powerful political force in Italy, and the revival of regional languages such as Breton in France and Frisian in the Netherlands. In many Third World countries as well, demands for greater autonomy are often focused on an intrastate region rather than creating a separate state. "Localization" has become another dimension of globalization.

In fact, the local and the global are increasingly linked without the intermediation of the state. Multinational business provides the most obvious example. But new information and transportation technologies also allow the disenfranchised to leap over their own (often hostile or indifferent) states. For example, Alison Brysk has shown how indigenous peoples in the Americas are able to interact with their colleagues and allies across the globe, dramatically improving their bargaining position vis-à-vis their own state.<sup>1</sup> This is a striking example of what Margaret Keck and Kathryn Sikkink call the "boomerang" model of transnational advocacy: Local actors direct information and appeals to transnational colleagues, foreign states, and regional and international organizations, who respond by mobilizing external pressure on resistant states.<sup>2</sup>

Some of these new flows of structures, processes, and opportunities are empowering. The spread of human rights ideas, and their rise to global preeminence in the post-cold war era, can be seen as an element of globalization. More prosaically, individuals and groups with shared interests increasingly are able to interact, in real time, over immense distances, without regard to the boundaries between, or the interests of, states. The Internet and modern transportation networks have allowed a growing number of Third World communities to exploit the benefits of agricultural and craft cooperatives, fair-trade products, and alternative crops such as miniature vegetables for high-profit markets in developed countries. Cell phones allow even small entrepreneurs in poor countries to make connections with customers and suppliers that open up previously unimagined possibilities for business and a better life for themselves and their families. Even the anti-globalization protests that have become a regular part of international politics over the past decade have been significantly facilitated by new communications and transportation technologies.

However, other global flows that circumvent the state have a much darker side. Consider, for example, burgeoning transnational criminal enterprises, sex tourism in Southeast Asia and the Caribbean, and the growing market in mercenaries and private "security" services. There is also an ominous side to the ability of large global firms to accumulate wealth and power that escapes national or international regulation.

No single chapter can even begin to approach anything close to the full range of human rights issues posed by globalization. Here I focus in depth on one, namely, the challenge that economic globalization poses to the liberal democratic welfare state and to economic and social human rights.

## 2. STATES AND HUMAN RIGHTS

As we saw in §§3.1–3.2, the conceptual universality of human rights—they are held universally by all people simply because they are human—has been paired with a



highly relativist system of national implementation. International human rights treaties create obligations for states to respect, protect, and implement the rights of *their own* citizens (and foreigners under their jurisdiction). International human rights norms have made a state's national human rights practices a legitimate area of *noncoercive* international action. International enforcement of these obligations, however, remains largely prohibited. The human rights of non-nationals are largely matters for "their own" states to secure. States have neither a right nor a responsibility to implement or enforce the human rights of foreigners on foreign territory, with extremely limited exceptions such as genocide (and perhaps torture and slavery). Even international supervision of national human rights practices is extremely restricted, as we saw in Chapter 5.

States can do, have done, and will continue to do many nasty, even horrible, things to their citizens. During the cold war era, such abuses were the focus of most human rights advocates. National, transnational, and international human rights advocacy emphasized the state as a violator of human rights. Although that made considerable sense in the cold war political environment, today we might do well to focus more on the essential role that states play in implementing and protecting human rights.

Most people enjoy their internationally recognized human rights, particularly when they require coercive enforcement, as a result of action taken by "their own" state. Even Europe's strong and effective regional human rights regime is largely a supplement and spur to national action (see §5.5.A). In fact, the struggle of dispossessed groups has typically been a struggle for full legal and political recognition by the state, and thus inclusion among those whose rights are protected by the state. Human rights advocacy is in many ways aimed at transforming the state from a predator into a protector of rights.

This is no less true of economic and social rights than civil and political rights. Classical economists across the full range of the political spectrum, from Adam Smith to Karl Marx, acutely understood that market systems of production and distribution, by freeing productive forces from political constraints, have immensely liberating potential. They also recognized, though, that these same productive forces (and those who control them) are typically indifferent to the fates of individuals unable to compete successfully in the predatory world of capitalist competition. Historically, the only mechanism that has been able to protect individual rights in market systems has been the state.

Thus, a human rights perspective on the state is neither statist nor anti-statist. Rather, human rights advocates seek to promote a particular type of state. The struggle for economic and social rights has in many ways been a struggle to transform the state from the protector of a dominant economic and political elite into a guarantor of basic rights and equal concern and respect for all.

Globalization threatens "good" states as well as "bad" states. If liberal democratic welfare states are undermined by globalization, and we fail to create alternative mechanisms for implementing and enforcing human rights, the substantial achievements of the human rights movement since the end of World War II will be at risk.

### 3. THE WELFARE STATE, GLOBALIZATION, AND HUMAN RIGHTS

The state envisioned by contemporary international human rights norms is liberal; that is, its legitimacy rests on protecting the human rights of its citizens. It is democratic, in the sense that it is committed to universal political participation and, within the limits of the human rights of all, vests political power in "the people." It is also a welfare state, with extensive economic and social obligations to all citizens.

One of the great human rights achievements of the past century has been the humanization of capitalist markets by welfare states. State regulation of hours, wages, and working conditions are widely accepted (in theory at least) in most countries throughout the world. Furthermore, most states—not simply those with developed market economies—are widely considered to be obliged to provide minimum levels of subsistence, housing, health care, and social services to those unable to acquire them through family or market mechanisms.

The welfare state today, however, is under assault from economic globalization. As an international division of labor continues to develop, leading to a growing separation between locales of production and consumption, firms are increasingly free to move "offshore," in whole or in part, in order to escape the higher costs imposed by welfare state guarantees of economic and social rights. States, by contrast, for all their power, remain largely tied to and limited by a particular territory. The resulting threats to economic and social rights are perhaps most evident in the developed market economies of Western Europe, where benefits have already begun to erode.

But are such concerns anything more than the worries of a privileged few? The transfer of production to less-developed economies may produce (direct and indirect) benefits to citizens of those countries, allowing them to better realize *their* economic and social rights. One might even argue that relatively poor workers and their families gain more than relatively well-to-do workers lose.

Such outcomes are unlikely, however, especially in the short and medium run, without strong welfare states. For example, to the extent that firms are fleeing health and safety regulations, they simply relocate dangerous production and continue to threaten the rights of workers and their communities. Governments in new countries of production are also understandably reluctant to establish strong systems of labor protection, for fear of losing their competitive advantage to other, less scrupulous, countries.

Economic globalization has tended to shift the balance of power toward business, which is becoming increasingly global in its perspective and reach, and away from workers and the state, which remain much more national. In developed market economies, firms can use threats to relocate not only to press for relaxed health and safety standards but to deflate wages and obtain tax breaks or other subsidies that effectively transfer resources from labor to capital. This reallocation of resources is even more dramatic when production actually moves in pursuit of lower costs or a more "friendly" business environment.

Unless the additional profits generated by globalization are eliminated by competition or are reallocated through redistributive taxation and social welfare policies—



both of which are unlikely within the next few decades—the net consequences for economic and social rights are likely to be negative. Thus, even if globalization takes from relatively privileged Western workers and gives to less-privileged workers elsewhere, the biggest beneficiaries of globalization are likely to be even more privileged capitalists, managers, bureaucrats, and investors.

#### 4. MARKETS AND ECONOMIC AND SOCIAL RIGHTS

The preceding should not be read as a blanket attack on national and international markets. The international community, and most states as well, have become well aware of the costs of command economies. The inefficiencies of central planning almost always swamp any equity benefits, at least in the medium and long run. Although countries such as Cuba and Sri Lanka did achieve notable short- and medium-run success, in the long run neither growth nor equity has proved to be possible within a command economy. A considerable degree of economic efficiency, and thus reliance on markets, is necessary for *sustainable* progress in implementing economic and social rights.

This important lesson, though, does not justify excluding or even dramatically restricting the role of the state in the economy. Rather, it means that the state's economic role should be primarily *redistributive*. States must not only facilitate the operation of markets, in order to create growth, but also redistribute resources and opportunities, to assure that growth contributes to the enjoyment of economic and social rights by all.

Markets, by design, distribute the benefits of growth without regard for individual needs and rights (other than property rights). Markets seek economic efficiency, maximizing the total quantity of goods and services produced with a given quantity of resources. Markets promise to produce more overall, not more for all.

Market distributions take into account only economic value added, which varies sharply across individuals and social groups. Free markets thus *necessarily* produce gross economic inequalities. The poor tend to be "less efficient"; as a class, they have fewer of the skills valued highly by markets. Their plight is then exacerbated when political disadvantage reinforces a vicious rights-abusive cycle. Efficient markets improve the lot of some—ideally even many—at the cost of (relative and perhaps even absolute) deprivation of others. And that suffering is concentrated among society's most vulnerable elements.

Without welfare states (or other comparable redistributive mechanisms) there is no necessary connection between market-led growth and development and the enjoyment of economic and social rights. This fact is now fully accepted; it is the basis of the welfare states that Westerners take for granted. All existing liberal democracies use the welfare state to compensate (some of) those who fare less well in the market.

Individuals who are harmed by the operation of social institutions (markets and private property rights) that benefit the whole are entitled to a fair share of the social product their participation has helped to produce. The collectivity that benefits in

the aggregate has an obligation to look after individual members who are disadvantaged in or harmed by markets. The welfare state guarantees *all* individuals certain economic and social goods, services, and opportunities, irrespective of the market value of their labor.

Advocates of markets admit that some are harmed in the short run. Everyone, though, is supposed to benefit in the long run from the greater supply of goods and services. "Everyone," however, does not mean each and every individual. Rather, economists refer to the *average* individual, an entirely abstract entity. And even the average person is assured of significant gain only at some point in the future. In the here and now, and in the near future, many real, flesh and blood, individual human beings and families suffer. Even worse, because markets distribute the benefits of growth without regard to short-term deprivations, those who suffer "adjustment costs"—lost jobs, higher food prices, inferior health care—acquire no special claim to a future share of the collective benefits of efficient markets.

Markets, for all the talk of individual initiative, ground a collectivist, "utilitarian" political theory. Markets are justified by arguments of collective good and aggregate benefit, not individual rights (other than, perhaps, the right to economic accumulation). Free markets are an economic analogue to a political system of majority rule without minority rights. The welfare state, from this perspective, is a device to assure that a minority that is disadvantaged in or deprived by markets still is treated with minimum economic concern and respect. Only when the pursuit of prosperity is tamed by economic and social rights—when markets are embedded in a welfare state—does a market-based economy merit our respect.

Welfare states, though, are under assault in all countries as a result of competitive forces unleashed by globalization. This is exacerbated by the ideological hegemony of a market ideology that is directed rather indiscriminately at states in general. In much of the developing world, welfare states face additional attacks from internationally mandated and managed structural adjustment programs, which in addition to targeting waste and inefficiency also typically target social welfare expenditures.

Consider the changing role of the International Monetary Fund (IMF). Originally created to supervise a global financial regime based on fixed exchange rates—which were intended to *increase* national economic control in order to better realize welfare state policies—the IMF today serves principally to enforce the ever widening penetration of market mechanisms, with little concern for social welfare. Thus, where John Ruggie aptly described the postwar international economic order as "embedded liberalism"<sup>3</sup>—market mechanisms embedded within a political commitment to liberal democratic welfare states—the reigning ideology today is more (neo)classically liberal, that is, simply pursuing market efficiencies without regard to welfare.

#### 5. MARKET DEMOCRACY AND AMERICAN FOREIGN POLICY

Since the end of the cold war there has been a powerful convergence of markets, human rights ideas, and political power behind the idea of "market democracy," a



vision of national and international political legitimacy that is arguably a central part of the process of globalization in the early twenty-first century. Markets and democracy certainly are “good things,” especially when contrasted to the alternatives of command economies and authoritarian or totalitarian rule. They are not, however, the same good things as human rights. We have already seen that in the case of markets. The same is true of democracy.

### A. The Democratic Idea

“Democracy” is derived from the ancient Greek *demokratia*, literally, the rule or power (*kratos*) of the people (*demos*). Democratic regimes are those in which the people rule.

It is conventional to distinguish substantive and procedural democracy. In a substantively democratic regime, goods, services, and real opportunities are enjoyed “democratically,” that is, by the masses on an egalitarian basis. The people are beneficiaries of a regime that rules in their interest. A procedurally democratic regime fills its political offices through fair and open periodic elections. Such polities may or may not pursue egalitarian policies. Their democratic credentials rest on the authority of the government deriving from the sovereign choice of the people.

Jefferson’s familiar formula—government of the people, by the people, and for the people—suggests a similar distinction. All democracies are governments of the people. Procedural conceptions of democracy, however, emphasize government by the people. Substantive conceptions stress government for the people.

Americans seem particularly inclined to think of democracy in procedural terms, assuming that fair and open elections will produce governments that pursue the popular will and the general good. Although often true, it is always legitimate to “test” democratic procedures by their substantive outputs. For example, a standard complaint about elected governments in much of Central America has been that in practice they protect the interests of a privileged minority. A procedurally democratic government may still systematically violate human rights.

Democracy answers the question of *who* should rule. Democracy empowers the people and seeks to realize their collective good. Human rights, by contrast, addresses *how* governments should rule. Human rights empower autonomous individuals. They seek to assure that personal and societal goals, including democratically defined goals, are pursued within the confines of guaranteeing every individual certain minimum goods, services, and opportunities.

Protected individual interests often conflict with the wishes of the majority. Many people, both individually and in groups, want to use their political power to harm their enemies or to gain (often unfair) advantage for themselves. “The people,” understood as the substantial majority of the population, often want to do some very nasty things to some of their “fellow” citizens. For example, racial discrimination was for almost two centuries popular with the majority in the United States.

What students of comparative politics usually call liberal democracy seeks to resolve the conflicts between democracy and human rights by allowing democracy to operate only within the constraints imposed by the liberal commitment to the indi-

vidual rights of each and every citizen. One standard civics text formula is “majority rule with minority rights.” It is essential to note, though, that there is nothing distinctively “democratic” about minority rights. Quite the contrary, “minority rights”—the individual human rights of every citizen—are prior and superior to the democratic rights of the majority.

Human rights define the range within which democratic decision making is allowed to operate. Human rights are fundamentally nonmajoritarian. They are concerned with each, rather than all. They aim to protect every person, against majorities no less than against minorities. Human rights ordinarily take precedence over the wishes of the people, no matter how intensely even the vast majority of society desires to abuse some individual or group. In fact, in procedurally democratic states, where the majority is relatively well positioned to care for its own rights and interests, the principal function of human rights is to limit democratic decision making.

Contemporary liberal democracies are liberal (rights-protective) before they are democratic. Citizens’ rights provide the government’s authority and the standard by which its legitimacy is judged. And the sovereignty of the people derives from the individual rights of each person.

Electoral or procedural democracy is almost always preferable to the realistic alternatives. Only liberal democracy, though, is centrally and inherently committed to human rights. And that is because it is “liberal” (rights-based), not because it is “democratic” (based on the will of the people).

### B. Democratization and Human Rights

The post-cold war world has seen the continued spread and deepening of electoral democracy. For the first time in history the majority of people on this planet live under democratically elected governments. This momentous achievement is a source of legitimate satisfaction. We must not, however, overestimate its human rights significance. In particular, we must not confuse decreased tolerance for old forms of repressive rule with support for, let alone institutionalization of, rights-protective regimes.

We can distinguish three levels of political progress toward respect for internationally recognized human rights.

*Liberalization* involves a decrease in human rights violations and an opening of political space for at least some previously excluded groups—roughly, progress in civil and political rights short of democratization. China has undergone periodic limited liberalizations. Poland liberalized in the 1980s, initially under the pressure of Solidarity, before it democratized in 1990. South Korea liberalized in the 1980s before establishing electoral democracy in the 1990s.

By *democratization*, I mean the process of establishing electoral democracy, which involves a qualitative leap beyond liberalization. When “soft” authoritarian regimes allow truly fair and open elections (not just once, or if they win), the political system is fundamentally transformed.

A *rights-protective regime* both makes the protection of internationally recognized human rights a central element of its mission, and through extensive, intense, and



sustained effort, has achieved considerable success in realizing this aspiration. This is *liberal* democracy. If one insists on using the language of democratization to describe transitions from electoral to liberal democracy, one might talk about the “deepening” of democratization—although it is respect for human rights, rather than for the will of the people, that deepens.

Note that only the second of these three processes is centrally connected with democracy understood in the core sense of rule of the people. The distinction between electoral and liberal democracy concerns not who rules but how (within what limits). Liberalization, too, is concerned with the limits on government rather than who rules.

Nonetheless, “democratization” is often used to cover all three kinds of change, on the assumption that they are phases of a single, largely linear process of development. Political development, however, is not “naturally” driven toward a single end. Resistance to authoritarian rule is often not a transition to democracy, or anything else, but a reaction against injustice. Regimes that have liberalized often resist democratization. Even fair and moderately open elections may produce governments that violate human rights.

One of the most disturbing lessons of democratization in countries such as Belarus, Uzbekistan, Slovakia, and Bulgaria in the 1990s, as in much of Africa in the 1960s, is that voting often appears to people to be primarily a device for acquiring prosperity and a sense of control rather than a way to assure widespread protection of human rights. Even more disturbing are the cases where the majority seeks electoral power to oppress a minority.

Electoral democracy may be a necessary condition for liberal democracy. Liberalization and electoral democracy may even foster liberal democracy by allowing human rights advocates political space and opportunities. But there is no natural, inescapable evolution. Electorally democratic governments may use their power in ways that violate, threaten, or fail to defend internationally recognized human rights. Especially in times of crisis or disillusionment, electoral democracy may even be prone to populist, proto-fascist demagoguery.

Elections are only a device. They may have very different meanings in different political contexts. All other things being equal, it is a good thing if leaders are freely chosen and speak for the people. What is most important, though, is whether human rights are secure. Only when supported by rights-protective political attitudes and institutions will elections lead toward deeply liberal democratic regimes.

The danger, especially in U.S. foreign policy, is that we will forget that democratization is, at best, a good start on realizing human rights. Americans seem inclined to the convenient but dangerous illusion that once elections have been held, the struggle for human rights—or at least our part in the struggle—is largely over. In fact, as recent events in Iraq have shown, the struggle really begins then.

### C. Market Democracy and Economic Rights

Turning to questions related to market democracy, Americans too often forget how heavily the U.S. government is involved in regulating markets and attempting to

counteract the social inequities they produce. Not even Ronald Reagan proposed returning to anything even approximating a true free market economy. Twentieth-century liberal democracies are distinguished from “free market capitalism” by redistributive policies that protect individual rights and seek social justice.

Despite all the gaps in its coverage, the United States is a huge welfare state. For example, workers and employers together are taxed one-seventh of an employee’s income just to fund a single social welfare program: state-supported old age pensions (Social Security). Even Americans, who are more individualistic and anti-statist than most Europeans, see their welfare state as an essential part of the American political ideal.

In American foreign policy, however, all one hears about is markets. When dealing with countries still shaped by the legacy of command economies, the allure of the market is perhaps understandable. However, American advocacy of markets in the former Soviet bloc and the Third World ignores their significant human costs. There is a disturbing parallel with cold war anticommunism: Excessive focus on the “problem” (communism; command economies) yields inattention to the “unintended” consequences of the “solution” (dictators; markets).

This is particularly true for American support of IMF-imposed structural adjustment programs. Structural adjustment almost always has immediate and detrimental short-term effects on the enjoyment of economic rights by large segments of the population. Reductions in state spending on education and health, retrenchments in public-sector employment, reductions in real wages, and programs to privatize land leave the poor even more vulnerable than they were before. In addition, the political unpopularity of often punitive cuts in social services may disrupt the pace and process of political liberalization and democratization.

I do not want to either belittle the problems faced in implementing economic and social rights or the contribution of properly regulated markets. I do not even want to deny that some countries may face a tragic choice between growth and equity. But where victims of market-driven growth truly cannot be prevented (at a reasonable cost), they must be acknowledged, and mourned. Instead, in their enthusiasm for sweeping away the old, Americans too often seem not to see, let alone be troubled by, the problems in the new.

## 6. AN ALLIANCE OF STATES AND HUMAN RIGHTS ADVOCATES?

If the welfare state is increasingly unable to assure economic and social rights for all, regional or global institutions present an obvious “solution.” The problem, of course, is that there is little evidence of the imminent emergence of global redistributive institutions. Virtually all states, including even relatively well-to-do and committed liberal democratic welfare states, remain extremely reluctant to transfer substantial authority to global political institutions.

Nonetheless, inter-state mechanisms are not necessarily doomed to failure. For example, the harmonization of social policies in the European Union can be viewed as a collective regional effort to reduce the incentives of individual states to compete for jobs



by dismantling the welfare state. Europe, however, looks very much like the exception that proves the rule. And even the Europeans seem uninterested in using the Organisation for Economic Co-operation and Development, or some new institution, to spread cooperation on social policy across a wider range of developed market economies.

Transnational actors offer another potential mechanism for revitalizing economic and social rights. Human rights NGOs, trade unions, women's groups, environmentalists, indigenous peoples, and a host of other groups in "civil society" share a common interest in (re-)asserting welfare state control over global markets and multinational business. Civil society actors, however, are at an extreme disadvantage, both because of their relative lack of economic and political resources and because they face far greater problems in forming national and transnational alliances. In addition, although not as territorially bound as states, they are usually less mobile than the businesses against whom they are pitted.

The current international situation with respect to economic and social rights is similar to conditions in Western Europe in the mid-nineteenth century, where business had the upper hand and skillfully used its resources to protect its interests. Contemporary multinational businesses also have the advantage of being able to play country against country. Whereas those seeking to strengthen the welfare state face the daunting task of (re-)establishing control, multinational businesses need only evade regulation.

Advocates of economic and social rights, however, have resources of their own, including national electoral power and advanced communications technologies that increase their capabilities for national and transnational organization. Furthermore, unlike in the nineteenth century, they can draw on the moral force of authoritative international human rights norms and the accumulated experience of many decades of welfare state policies.

In addition, advocates of internationally recognized economic and social rights share a common interest with at least some government elites in controlling transnational business. Especially in highly institutionalized liberal democratic welfare states, human rights advocates and states share a deeply rooted desire to temper the efficiency of markets with rights-based concerns for at least minimally equitable distributions of social goods, services, and opportunities. Of course, state elites often seek control over business for their own selfish, even predatory, purposes. But even then their shared desire to gain greater control over corporate practices and profits provides the basis for at least tactical political alliances with human rights advocates.

Once again, the issue is not the state *per se* but the *type* of state. Transnational business is using economic globalization to press for a state that gives greater emphasis to markets, the domain of social action where their power and skills are greatest. Human rights advocates and allied elements of civil society are seeking to use their electoral, organizational, and moral power on behalf of welfare states. Thus, the fate of human rights is likely to depend, in the early twenty-first century as in the late nineteenth and early twentieth centuries, on who controls the state and how they use that control. In those countries where human rights advocates are maintaining or strengthening their position, an alliance with the state may prove the best way to re-establish the social control over markets necessary to assure economic and social rights for all.

In the era of globalization, however, no individual state acting alone is able to impose new regulations, or even hold on to its former ability to control "its own" firms. They must cooperate, regionally and internationally, if they are to have a chance of humanizing global markets. And they must forge new alliances with national and transnational civil society actors. Whether this proves practically possible, however, is by no means clear.

My enemy's enemy is my friend, the old rule of realist international politics, applies today as well to states and human rights advocates. Whatever their past animosities, today they face a new common enemy. The future of human rights just might be determined by their ability to develop new forms of cooperation that protect the state as an essential mechanism for realizing human rights—at least until new mechanisms are created, which still seems, at best, very far off in an extremely speculative future.

A central purpose of human rights advocacy has always been to empower people to force "their" state to treat them as they deserve to be treated. This has meant shaping states into instruments to protect, rather than ignore or even trample on, the human rights of their citizens. Today, this increasingly requires states and citizens to stand up to, and attempt to exert control over, transnational and global, not merely national, forces. If not, then much of the hard-won human rights progress of the twentieth century is at risk.

## DISCUSSION QUESTIONS

1. What exactly do you mean by globalization when you use the term? Is it a recent or a long-standing process? What are its dimensions? Is the global spread of human rights itself an phenomenon of globalization?
2. Human rights advocates typically focus on states as a threat to human rights. This chapter suggests that globalization is forcing human rights advocates to emphasize the role of the state as protector. Has there really been a change? Hasn't the role of the state as protector always been central?
3. Is the welfare state really such a wonderful achievement? Is globalization making a positive contribution by freeing economic initiative from the shackles of excessive welfare state regulation? Can't we see the shift in the balance of power away from states produced by globalization as basically a positive trend? Why do advocates of liberal democratic welfare states want the state in our lives economically but out of our lives in other domains?
4. How would you evaluate the distinction drawn between liberalization, democratization, and creating a rights-protective regime? Applying this distinction and the post-cold war history of the former Soviet bloc, what does it say about Iraq? About the broader process of "democratization" that the war in Iraq allegedly has triggered? Am I correct that this distinction is especially important for Americans, who tend to focus on the formalities of democratization, often to the exclusion of the real substance of protecting human rights?