
Volume 57, Issue 1 (Summer 2020)
Special Issue: A Right without a Rights-Holder Is Hollow
Guest editor: Karen Drake

Article 25

4-3-2020

Not Enough: Human Rights in an Unequal World, by Samuel Moyn

Mariam Sheik

Osgoode Hall Law School, mariamsheikh2017@osgoode.yorku.ca

Follow this and additional works at: <https://digitalcommons.osgoode.yorku.ca/ohlj>

Book Review



This work is licensed under a [Creative Commons Attribution-NonCommercial-No Derivative Works 4.0 License](https://creativecommons.org/licenses/by-nc-nd/4.0/).

Citation Information

Sheikh, Mariam. "Not Enough: Human Rights in an Unequal World, by Samuel Moyn." *Osgoode Hall Law Journal* 57.1 (2021) :
<https://digitalcommons.osgoode.yorku.ca/ohlj/vol57/iss1/25>

This Book Review is brought to you for free and open access by the Journals at Osgoode Digital Commons. It has been accepted for inclusion in Osgoode Hall Law Journal by an authorized editor of Osgoode Digital Commons.

Not Enough: Human Rights in an Unequal World, by Samuel Moyn

Abstract

Not Enough: Human Rights in an Unequal World, by Samuel Moyn

Creative Commons License



This work is licensed under a [Creative Commons Attribution-Noncommercial-No Derivative Works 4.0 License](https://creativecommons.org/licenses/by-nc-nd/4.0/).

Not Enough: Human Rights in an Unequal World, by Samuel Moyn¹
Mariam Jannat Sheikh²

Abstract

Human rights have come to represent some of the highest ideals of humanity. In Samuel Moyn’s *Not Enough: Human Rights in an Unequal World*, the Professor of History and Law at Yale University traces the history of the origins of human rights and details a comprehensive narrative of their evolution through various sources. Despite their status as a legal ideology, human rights have often been colloquially invoked to describe broader social entitlements. For this reason, Moyn’s work goes far beyond situating rights as legal instruments, and engages with the political philosophies that underpin human rights as an ideology that function as a reflection of their place in history.

Human rights have come to represent some of the highest ideals of humanity. The concept has encompassed an ambiguous collection of rights, entrenched in documents—like the Universal Declaration of Human Rights—or in the aspirational philosophies of political theorists, always a reflection of their place and time. In Samuel Moyn’s *Not Enough: Human Rights in an Unequal World*, the Professor of History and Law at Yale University expounds the origins of human rights and details a comprehensive narrative of their evolution. Despite their status as a legal ideology, human rights have often been colloquially invoked to describe broader social entitlements. For this reason, Moyn’s work goes far beyond situating rights as legal instruments, and engages with human rights as an ideology.

Each chapter is dedicated to explaining the history and development of the relationship between some institution or concept to the broader goals and consequences of human rights. Moyn traces the trajectory of human rights’ evolution between the 1940s to 1970s before discussing the implications of this history in today’s social justice discourse. In situating human rights in their geographic, temporal, and political spheres, Moyn’s book ultimately challenges readers to reconceptualize how human rights serve the interests of global (distributive) justice when the age of human rights has coincided with extraordinary inequality.

In order to set the analytical framework for its discussion of distributive justice, *Not Enough* begins by clarifying and embracing a distinction between “sufficiency” and “equality.”³ First locating the notion of sufficiency in biblical texts,⁴ Moyn proceeds to elucidate how the two

¹ (Harvard University Press, 2018) [Moyn, *Not Enough*].

² JD Candidate 2020, Osgoode Hall Law School.

³ Moyn, *supra* note 1. Moyn observes:

Sufficiency concerns how far an individual is *from having nothing* and how well she is doing *in relation to some minimum of provision* to the good things in life. Equality concerns how far individuals are *from one another* in the portion of those good things they get. The ideal of sufficiency commands that, whether as an operating principle [of allocation] ... or after the fact of their initial distribution, it is critical to define a bottom line of goods and services ... beneath which no individual ought to sink. ... If sufficiency is all that matters, then hierarchy is not immoral. ... Enough, in this view is enough.

From the perspective of the ideal of equality, however, ... morality rules out a society in which, even if the most basic needs are met, enormous hierarchy can still exist. ... [A]t least a modicum of equality in the distribution of the good things in life is necessary. ... Enough, in this view, is not enough (*ibid* at 3-4 [emphasis in original]).

Moyn chose to employ this distinction in lieu of the distinction between deep equality and deep freedom posited by his former mentor, Roberto Mangabeira Unger, in order “to engage the debates of one’s time as a means of instigating future possibilities” (*ibid* at 266).

⁴ *Ibid* at 15-16.

concepts often became equated with one another, so that “a minimums floor” on basic provision became entangled with “a maximum ceiling in distribution.”⁵ He explains distributive justice as having arisen as a pragmatic idea before it became a moral or political one aimed at justice or material equality.⁶ And with the shift towards secularism, accompanied by the emergence of “society,” distributive justice within social institutions came to be seen as the means to control people’s ways of life in an unprecedented way. Moyn illustrates this in his account of how the Jacobin project emerged in the wake of the French Revolution to attempt the first welfare state—one that sought the vision of material equality beyond basic sufficiency.⁷ However, the history of welfare states, Moyn describes, has always involved exclusivity—be it on the basis of gender or citizenship—that has rendered earlier iterations of welfare states ripe targets for social revolt. Moyn argues the tug of war between proponents of sufficiency, like Thomas Paine, and proponents of equality, like François-Noël Babeuf, has historically resolved in favour of the former, serving as the impetus for the first statement of a right: the right to work.⁸

It is precisely this tension between sufficiency and equality that guides the narrative in *Not Enough*. Human rights emerged as protections for individuals against the state, according to the structure imposed upon its constituents. But central to Moyn’s thesis is the premise that the rights we rely on so staunchly today, first articulated in the initially ignored Universal Declaration of Human Rights, emerged out of welfare states, which only extended effective recognition of those rights to a narrowly defined demographic: white, male citizens.⁹ Yet both the rights included, such as labour rights and the right to health, and those excluded, such as the right to strike, raise questions about human rights’ ideological underpinnings. The rise of socialism in the 1940s sparked great debate around how institutions in the modern economy were to balance justice and liberty, especially since personal freedoms had not been extended equally in the past. This led to the emergence of the concept of “social rights.”¹⁰ Social rights were embraced, Moyn contends, because they “alchemically combined long opposing elements and harmonized the claims of society and the claims of the individual.”¹¹

However, as the empires of colonialism gradually waned, so too did the conditions necessary for the effective implementation of social rights that could guarantee entitlements beyond mere sufficiency—chiefly, state intrusion into economic affairs and state planning.¹² Moyn expertly weaves this narrative of social and economic rights as it took shape in the West—including a comprehensive chapter on Roosevelt’s Bill of Rights, which distinguishes American rights discourse from the labour movements that followed the United Kingdom’s more egalitarian embrace of social welfare programming—and he does so without overlooking the nascent thread of newly liberated postcolonial nations’ articulation of the right to self-determination vis-à-vis the New International Economic Order (NIEO).

The concept of rights morphs as it is absorbed into varying political frameworks, across Europe to Latin America to the United States. Still under the control of social welfare ideals, aimed

⁵ *Ibid* at 16.

⁶ *Ibid* at 17.

⁷ *Ibid* at 22.

⁸ *Ibid* at 16-27.

⁹ *Ibid* at 43-44.

¹⁰ *Ibid* at 53. Georges Gurvitch enunciated “social rights” as facilitating a “pluralist” state in need of “social law” that would make “possible the interdependence of social relations” (*ibid*). See also Georges Gurvitch, “The Problem of Social Law” (1941) 52 *Ethics* 17.

¹¹ Moyn, *Not Enough*, *supra* note 1 at 53.

¹² *Ibid* at 57.

at providing sufficient minimums for citizens, rights remained limited to the bounds of the state. Dreams of “globalizing the welfare state” to provide a “global social minimum” were crushed by the failure of the national welfare state to take hold, particularly in the anti-statist and libertarian United States.¹³ Moyn describes how citizenship guarantees domestic rights to egalitarian socioeconomic entitlements in constitutions across the globe.¹⁴ However, without the same historical underpinnings of European and Latin American welfare states that inspired these constitutional rights, American aspirations for economic equality—despite the New Deal and Second Bill of Rights’ egalitarian critiques of wealth distribution—slowly collapsed and acceded to a sufficiency discourse and then eventually surrendered social minimums altogether.¹⁵

In his portrayal, Moyn is critical of but generous to the academics and political commentators whose theories catapulted rights and distributive justice rhetoric into new territory. Even figures like Charles Merriam, who presciently envisioned the existence of a viable welfare state at a time when it seemed to be dying, are held by Moyn to be significant. Of Merriam, Moyn writes:¹⁶

As late as 1939, rights did not figure seriously in his thought, because “democracy” seemed to him much more distinguished by its commitment to human perfectibility, the consent of the governed, and—above all—the “consciously directed social change” that went under the head of planning. *The choice, he often put it, was not planning or no planning, but democratic planning or totalitarian planning.* ... Merriam also inveighed against the “economic inequality” that put democracy at risk from within.

Despite Merriam’s commitment to the dying trend of social rights, Moyn’s own thesis rests heavily on their shared understanding of social rights as reshaping the economy for egalitarian ideals.¹⁷ Between these authors both Merriam and Moyn predicted the rise of a neoliberal economy in the United States—one which had been preceded by a depression, but not a war—and feared that social rights would undermine more individual rights in the context of economic and political freedom.¹⁸ Thus, Moyn argues, by abandoning material equality for sufficient distribution, the market was allowed to create “massive hierarchy,” in which human rights’ only effect is to humanize neoliberalism.¹⁹

I. Globalizing Welfare after Empire

Moyn spends the entire fourth chapter fleshing out the individual threads of postcolonial calls for a global welfare state,²⁰ in which he adeptly dissects how the global economics propounded by Nobel Prize winner Gunnar Myrdal, in the 1950s, provided NIEO states with a foundational basis for promoting equality rather than social rights.²¹ Myrdal’s focus was not on poverty reduction²²—*i.e.*, ameliorating the worst off with sufficiency minimums—but instead concerned how the

¹³ *Ibid* at 67, 70, 72.

¹⁴ *Ibid*, chs 3-4.

¹⁵ *Ibid* at 67-82.

¹⁶ *Ibid* at 79 [emphasis added].

¹⁷ *Ibid* at 81.

¹⁸ *Ibid* at 85-87.

¹⁹ *Ibid* at 88.

²⁰ *Ibid* at 89-118.

²¹ *Ibid* at 93.

²² *Ibid* at 108.

necessary universality of human rights required a global welfare structure.²³ The NIEO built on this idea by translating the right to self-determination into the right to development.

Whereas Georges Gurvitch and Merriam's egalitarian distribution advocacy was limited by, and strengthened, state borders,²⁴ Myrdal argued that the very nationalist policies that made welfare states domestically possible were inhibiting its global realization. For him, this was due largely to social justice's focus on sufficiency rather than equality.²⁵ Moyn situates Myrdal's work as an answer to concerns from postcolonial advocates like Frantz Fanon, who raised the notion of rights, national planning, and citizenship within the new Western "decolonization" narratives as little more than attempts to maintain the imperialist hierarchy.²⁶ However, Myrdal's answer failed to herald such a new international economic order. Instead, Moyn describes how at the apex of NIEO's prominence, its goal of global equality was rejected in favour of sufficiency ideals that had been acceded to in the West. Without the NIEO adopting the language of human rights, the term remained yet unclaimed. It was redefined again in the 1970s and 1980s.

II. Basic Needs and Human Rights

Human rights came to be defined in parallel to basic needs. Chapter five details the gradual refinement of sufficiency ideals in expressions of social and economic rights. Moyn canvasses the work of influential figures who grappled with the effect of a constantly changing world on the relationship between human rights and basic needs: Paul Streeten, Mahbub ul Haq, Robert McNamara, Philip Alston, and Amartya Sen. Streeten's landmark idea that basic needs and human rights can each exist independently of the other offered a novel framework through which human rights—such as civil, political, and economic and social rights²⁷—would be reimagined by global distributive politics.²⁸ However, this formulation of rights was understood by Haq to bolster the cynical perspective that a welfare world was impossible to achieve. Abandoning equality ideals, Haq suggested the objective of development must instead be viewed as a selective attack on the worst forms of poverty.²⁹ While Moyn describes there being "nothing conceptually new about 'basic needs'"³⁰—it had been previously articulated by various actors, such as the International Labour Organization³¹—this was the first association of human rights necessitating the fulfillment of basic needs. Adopting Haq's shifted focus on ameliorating the condition of the worst off, McNamara guided the World Bank towards this goal as well. He was tolerant of inequality as long as it did not leave the poorest without benefit. And even as Moyn writes that the "legacy of

²³ *Ibid* at 106-7. See also Gunnar Myrdal, *An International Economy: Problems and Prospects* (Harper & Brothers, 1956). Myrdal contends that "the very idea of human rights and fundamental freedoms carry with it the concept of universality," and "[t]he concept of the welfare state, to which we are now giving reality in all the advanced nations, would have to be widened and changed into a concept of a 'welfare world'" (*ibid* at 323, 324).

²⁴ Moyn, *Not Enough*, *supra* note 1 at 95.

²⁵ *Ibid* at 105.

²⁶ *Ibid* at 99. See also Frantz Fanon, *Toward the African Revolution: Political Essays*, translated by Haakon Chevalier (Grove Press, 1967) at 87-88.

²⁷ "Basic Needs and Human Rights" (1980) 8 *World Dev* 107.

²⁸ Moyn, *Not Enough*, *supra* note 1 at 126, 134-35. See also Frances Stewart, "Basic Needs Strategies, Human Rights, and the Right to Development" (1989) 11 *Hum Rts Q* 347. Stewart argues, "Making basic needs into human rights adds two elements to the basic needs approach. It increases the moral weight of and political commitment to their fulfillment, and it gives basic needs fulfillment some international legal status" (*ibid* at 350).

²⁹ Mahbub ul Haq, "The Third World Crisis," *The Washington Post* (30 April 1972) D6, cited in Moyn, *Not Enough*, *supra* note 1 at 128.

³⁰ Moyn, *Not Enough*, *supra* note 1 at 129.

³¹ *Ibid*.

McNamara's Bank was to abet the rise of third-world debt that spelled the doom of the NIEO's advocacy for global equity,"³² Moyn resists accusing such key thinkers of misdirection in delineating the human rights movement. Yet his account of the critical debates that subsequently arose is riveting. The chapter concludes with an account of how the new configuration of human rights coincided with concern for individuals rather than states.

Moyn argues that the Aspen Institute's report declaring that "Nations are not people,"³³ combined with the West's identification of gross inequality within NIEO nations, led the West "routine[ly] to attack basic needs as a transparent rationale for bypassing the NIEO demands and locking in servicing the poor as the fundamental task of the global south, each country doing so on its own in informally dependent and unchanging relationship to its former colonial masters."³⁴ Swift to criticize the "basic needs" approach, however, Pakistani intellectual Altaf Gauhar recognized, "[p]overty cannot be eradicated by isolating it from the system."³⁵ Yet rights continued to be imported into the conversation on needs. And by the 1980s, Moyn states, "[b]asic needs were rights."³⁶

III. Global Ethics from Equality to Subsistence

In his sixth chapter, Moyn finally delves deeply into the politics of distributive justice. Engaging John Rawls, Charles Beitz, and Henry Shue, this chapter fleshes out the ideological struggle between sufficiency and equality underpinning the transition from the national welfare state to the global version that Myrdal had envisioned. Moyn weaves a coherent relationship between the three figures' theories, including the political actors and historical context alive at the time. The unifying event of the earlier chapters—the NIEO's fall—is captured in this chapter as Moyn describes, for instance, how Beitz's egalitarian philosophies eventually turns his full support of the NIEO's calls for global distributive equality away from the global south's claim to self-determination:³⁷

Beitz's adjustment likewise reflected a widespread feeling in the West ... that postcolonial self-determination claims had gone too far and provided a mask for the internal domination of new postcolonial elites claiming international oppression. This feature of Beitz's argument fit perfectly in turn against third-world nationalism and is subaltern vision of global reform, a turn that fed into the basic needs approach in development and the human rights revolution.

In dedicating significant space to Beitz, Moyn illustrates the West's embrace of "reducing nation-states to intermediaries, with no moral standing in themselves, between global principles and deserving individuals."³⁸ While *Not Enough* does not engage with a postcolonial analysis on the nature of and means to correct the effects of colonial oppression, criticism of his narrative as being "US-centric"³⁹ are also not entirely warranted. As Moyn defends, "everyone has a view from

³² *Ibid* at 133.

³³ *Ibid* at 138.

³⁴ *Ibid*.

³⁵ *Ibid* at 139. See also Altaf Gauhar, "What is Wrong with Basic Needs?" (1982) 4 *Third World Q* xxi at xxii.

³⁶ Moyn, *Not Enough*, *supra* note 1 at 143.

³⁷ *Ibid* at 159.

³⁸ *Ibid* at 161.

³⁹ Julieta Lemaitre, "The View from Somewhere: on Samuel Moyn's *Not Enough*" (9 July 2018), online (blog): *Law and Political Economy* <www.lpeblog.org/2018/07/09/the-view-from-somewhere-on-samuel-moyns-not-enough> [perma.cc/KQ4P-BTFJ].

somewhere... . But the important question is how inevitably local perspective affects coverage and ideology.”⁴⁰

IV. Human Rights in the Neoliberal Maelstrom

It is in Moyn’s final substantive chapter that he attempts to mediate the perspectives of various thinkers, from Naomi Klein to Thomas Piketty, in order to establish his thesis: Human rights have not aided or abetted the neoliberal corollary of economic inequality. He contends that while human rights have indeed permitted the growth of global distributive inequality:⁴¹

It was not the job of human rights ... to save [equality] from its theoretical quandaries or the left from its practical failures. There is no reason to think that a human rights stigmatizing “superficial” abuses could not coexist with a more “structural” politics... . Whatever the relationship so far of human rights law and movements to their neoliberal companion, they also brought unprecedented scrutiny not merely to state violence ... but to the profound failures of states to treat their citizens equally no matter their gender, race, religion, or sexual orientation.

Moyn credits human rights with the achievement of bringing more people out of poverty than any other mechanism. However, he says, human rights emerged as a response to the maladies of neoliberalism. They operate within the neoliberal structure and are reinforced by it. And thus, Moyn’s thesis is established—that human rights are not enough to achieve the goal of distributive equality.

Moyn’s assertion has invited contentious criticism of his book and much debate among human rights lawyers and activists. Their general concern is whether human rights have contributed to the oppression of those they purport to assist.⁴² Yet what critics of Moyn may not appreciate is that he is not advocating the abandonment of human rights, nor their repurposing. What he proposes is that human rights be used as a supplement to much greater socioeconomic upheaval as we attempt to strive once again for an international egalitarian welfare state. Moyn’s hopes for the future of human rights may upset some, but for many commentators,⁴³ *Not Enough* inspires optimism for the achievement of a society that is focused on developing equitable distribution into a just global enterprise.

⁴⁰ Sam Moyn, “Bias and Exclusion in Human Rights History” (13 August 2018), online (blog): *Law and Political Economy* <www.lpeblog.org/2018/08/13/bias-and-exclusion-in-human-rights-history> [perma.cc/LJ5U-27LR]. For an anticolonial account of distributive justice, see Adom Getachew, *Worldmaking After Empire: The Rise and Fall of Self-Determination* (Princeton University Press, 2019).

⁴¹ Moyn, *Not Enough*, *supra* note 1 at 175.

⁴² See *e.g.* Gráinne de Búrca, “Shaming Human Rights. A Review of Samuel Moyn, *Not Enough: Human Rights in an Unequal World*” (2018) New York University School of Law Working Paper No 18-47, DOI: <dx.doi.org/10.2139/ssrn.3233063>.

⁴³ See *e.g.* Trevor Jackson, “The Inequality of ‘Human Rights’” (12 November 2018), online: *Public Books* <www.publicbooks.org/the-inequality-of-human-rights> [perma.cc/27E6-EB3N].