
Reviewed by Eva Nanopoulos

In the *Last Utopia* (Moyn 2010), Samuel Moyn traced the origins of human rights, not to the revolutionary rights won during the eighteenth century, nor to the aftermath of the Second World War, but to the 1970s and, more specifically, 1977, when Amnesty International was awarded the Nobel Peace Prize and President Jimmy Carter put human rights at the forefront of US foreign policy. Moyn’s revisionist history raised the question of the uncanny parallels between the emergence of human rights and the ascendency of neoliberalism – after all, Friedrich Hayek and Milton Friedman were both recipients of the Nobel Prize in Economics during the 1970s. His own early work did not reflect upon the links between neoliberalism and human rights: in the *Last Utopia*, human rights emerged “seemingly from nowhere” as an anti-political moralist response to the death of other utopias, most notably socialism and anti-colonialism. In subsequent writings, culminating in his recent book, *Human Rights are Not Enough* (Moyn 2018), Moyn rejected suggestions that there was a structural connection between the two: human rights’ focus on material sufficiency rather than equality meant they became “powerless companions” to the ascendency of neoliberalism, but “neoliberalism, not human rights, was to blame for neoliberalism”.

On one reading, Jessica Whyte’s new book, *The Morals of the Market: Human Rights and the Rise of Neoliberalism*, is a powerful intervention into the debate and rejoinder to Moyn’s argument. We may not blame human rights for neoliberalism but we cannot absolve them from responsibility either: neoliberalism and human rights spread as “fellow travellers” and the latter’s minimalism merely expressed their entanglement with the neoliberal project. Yet, Whyte’s exegesis of the “historical and conceptual relations between human rights and neoliberalism” (4) – and, by extension, her critique of human rights – also differs from earlier critical work in a number of crucial respects.

First, Whyte takes seriously not only the economic, but also the political, legal and, crucially, weaving together all the three other strands, the moral dimension of neoliberalism. To connect human rights to neoliberalism is not only to address the question of human rights’ positioning vis-à-vis a set of economic policies or the creeping marketization of social life, but its entanglement with a new political
and moral ordering of society – the “morals of the market”. Whilst others have emphasized that, contrary to their nineteenth-century laissez-faire counterparts, neoliberals believed that the market had to rest on strong institutional and legal foundations (e.g. Slobodian 2018), Whyte is among the first to unpack the distinctively political and moral aspects of that project. As she writes, the competitive market twentieth-century neoliberals “sought to revive was not simply a more efficient means of distributing resources; it was the basic institution of a moral and ‘civilised’ society” (10).

This neoliberal utopia was based on the fundamental premise that the market was a space of voluntary and mutually beneficial exchange, and hence inherently peaceful, whereas politics were inherently coercive and hence violent; contrary to Marxist theories of imperialism, it followed that the expansion of capitalism was not a cause of war but the only means of delivering peace – what Whyte calls the “sweetness of commerce” thesis. The neoliberal vision of the civilized society also rested on very specific ideas about race, gender, the economy and the social division of labour. Neoliberals did not believe in human equality. Aptitude to the market was racially defined, whilst the gendered division of labour ensured that the provision for biological and other needs remained the responsibility of the home: under no circumstances was the state to operate as a family household, which also explained their aversion to the term “economy”, which comes from the Greek oikos, meaning household. For them, such a society not only presupposed respect for individual rights in the form of (market) freedom from state intervention: the market society was also the only medium through which real freedom could be realized.

Second, and partly as a result of this framework, Whyte’s story does not begin in the 1970s, the decade most commonly associated with the sealed fate between human rights and neoliberalism, but earlier, in the aftermath of the Second World War, which is largely the focus of Chapters 1 to 3. Then, another uncanny coincidence took place in the form of the concurrent drafting of the Universal Declaration of Human Rights (UDHR) of 1948 and the creation of the Mont Pelerin Society in 1947, the intellectual home of the neoliberal movement. At the time, the two projects still differed considerably. Neoliberals were deeply concerned about state planning of the economy, which they saw as inherently totalitarian. The drafters of the UDHR, by contrast, recognized some of the misgivings of the free market and a need to curb its excesses through some form of social provision, reflected in the enactment of a list of socio-economic rights. Yet they shared the key assumption that a new moral code was needed for what both movements saw as a crisis of civilization. This not only foregrounded more recent critiques of both the neoliberal and human rights projects as modern versions of the colonial civilizing mission: it provided the space for the gradual emergence of
a common articulation of civilization – a market civilization – which individual rights and competitive market relations would spread within and across national borders in a mutually constitutive fashion.

Thirdly, by the time she moves to more familiar times in the history of neoliberalism, Whyte has set the ground for novel and important insights into the entanglement between human rights and the neoliberal assault not only on the welfare state, but also on global aspirations for a new international economic order. Beginning with the former, Chapter 4 departs from conventional readings of the role that human rights played in the first neoliberal experiment in Chile. For Whyte, the issue was not that human rights NGOs dealt with the violence of the Pinochet regime “in isolation from the economic transformations it facilitated” (181), whether because they prioritized civil and political rights over socio-economic rights or because human rights acted as “blinders” to the deeper structural causes of human rights violations. Rather, the issue was that they came to embrace the neoliberal dichotomy between the (peaceful) market and (violent) politics, which served not only to stigmatize political opposition to the market and de-politicize civil society but gradually also to elevate economic freedom as a prerequisite to political freedom.

Shifting the geographical locus and political scale, Chapter 5 shows how human rights NGOs, notably Liberté sans Frontières (LSF), borrowed directly from neoliberal ideas to thwart third-world advocacy for a new economic order designed not only to restore the injustices of colonialism, but also to set in motion a radically new programme of global economic redistribution. Far from shying away from economic questions, LSF played a key role in challenging the third-worldist view that blamed under-development on colonialism and continuing neo-colonialism and economic exploitation. The language of human rights was crucial in shifting responsibility for under-development to the third world, by claiming that the suffering of post-colonial societies was caused by internal conditions linked to the failure of post-colonial states to secure human rights, now understood primarily as freedom from state intervention. Viewed against the distinction between the market as a peaceful, non-coercive sphere and politics as inherently violent, it followed that any form of intervention into the economy would only exacerbate their situation. The “progressive gloss” (219) of human rights also helped to demobilize solidarity movements in the West and de-politicize the destructive impacts of neoliberalism.

What is left is a powerful account of how human rights partook in the remaking of the state and the world order along neoliberal lines. It is a story that unravels the neoliberal origins of the contemporary practice and conceptual foundations of human rights, which did not emerge by accident out of the death of alternative utopias, but were instrumental in their dismantling and replacement by a borderless neoliberal market order.
There are lessons here about how human rights relate to state crime. Critiques of human rights have long pointed to the paradoxes of the position that sees human rights as the antithesis of state violence: even as human rights aim to limit state action, they fundamentally rely on the state for their protection, placing them in an uneasy position vis-à-vis state power (e.g. Perugini and Gordon 2015). But Whyte tells a different story. Hers is a story about how human rights at once limited a particular form of state power (i.e. intervention in the economy) and emboldened another (i.e. intervention, however authoritarian, to ensure submission to the market), having a lasting impact on how we think about state violence.

Perhaps the only slightly hesitant part of the book is its conclusion. The introduction is explicit about the fact that, however slippery and open to different appropriations and meaning, the human rights language is not entirely open-textured: as Whyte says, “not all figures of the human and of community are equally capable of ‘signifying within the text of human rights’” (31). Yet, having asked whether the human rights movement can “break with the neoliberal human rights heritage”, she answers that “much depends on how freedom and equality are understood” (241). But therein lies the crux of the matter: are human rights capable of actualizing a freedom from the exploitation and violence of the markets? My own reading of the book suggests that they cannot.

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References