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Human Rights are Not Enough

A Critical Assessment of the Challenges of Inequality and Care for International Human Rights



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DECLARATION

I, SOPHIE HARBOUR, declare:

That this work submitted is my own and I have followed the required conventions in referencing the thoughts and ideas of others.

I am aware that plagiarism (the use of someone else's work without their permission and/or without acknowledging the original source) is wrong.

I understand that the University of the Witwatersrand may take disciplinary action against me if there is a belief that this is not my own work and/or that I have failed to acknowledge the source of the ideas or words in my writing.

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One: Introduction

Human rights continue to be an important part of many social and political discourses. With their roots scattered throughout a wide range of historical events, their explosion in the late 1970s placed them at the centre of debates like globalism, justice, humanitarian intervention, inequality and poverty. They have provided a language through which to engage multiple struggles across the world and have consistently been used as a rallying cry for numerous social movements. On top of this, they stand, in the minds of many, as a cornerstone of Western moral foundation and action. They epitomise the ultimate set of ethical standards collected through a history of struggle. To say the least, their language and frameworks are well-established in literature and political action across the globe.

At the same time, there continues to be debate over the concept of human rights itself: their feasibility, their 'Western' orientation and, in certain parts of contemporary literature, their potential to be the foundation of a truly just and peaceful society. The concept of human rights is not an entirely settled one despite the prominence described above. There are a number of points of disagreement that permeate human rights discourse. Many discussions on the topic still debate a number of factors from the origins of these rights, to their fundamental underpinnings, and to their position and function on the global stage. And some of the concerns are becoming more pressing. Many societies, in the West and in other parts of the world, are facing experiences of extreme polarisation, violence, wealth inequality and instability. Societies are becoming increasingly fraught with confused political agents and, with human rights dominating

the majority of approaches to moral reasoning and justice, potential alternatives are not given adequate space to be considered.

This thesis addresses two challenges currently leveled against international human rights frameworks, one of which, simultaneously, provides a potential alternative to the traditional moral theory upon which the international discourse of human rights is based.[1] The main concerns of these two challenges are: widespread and radical wealth inequality and, the lack of consideration of the relational aspect and dependent nature of human existence.[2] Both critiques, which extend from two, largely separate, sets of literature - inequality and an ethics of care - are also linked by their concern with, and critique of, the current dominant political economy - neoliberalism.

The primary aim of this thesis is the presentation of the critiques of inequality and care and an analysis of their relationship to international human rights. However, throughout the course of the research, neoliberalism continually invaded analysis of these concepts and played an often-ambiguous role in the relationship between the three. Because it repeatedly factored into multiple conversations, sometimes obviously and sometimes more subtly, it became necessary to address it and make its place, and its role, as clear as possible. A definition of neoliberalism will

[1] The distinction between international human rights discourse, actors and frameworks and 'human rights' in general will be explained briefly at the end of this introduction; in more detail in the second chapter; and will unfold, in general, throughout the course of the thesis. It is a necessary distinction to keep in mind as it plays an important part in the argument of the thesis and particularly in the fifth chapter.

[2] It is important to make a note here that throughout this thesis, the 'inequality' that is being dealt with is wealth inequality. From this point on, whenever the terms 'inequality' and 'equality' are used, it is with this understanding. If reference is being made to some other type or version of inequality, such as status equality, then this will be made obvious.

be given in the first section of the chapter on human rights frameworks but, given the scope and 'stickiness' of the concept, a detailed analysis of its interactions with the concerns at hand cannot be adequately addressed in this thesis. Nonetheless, there are parts in each chapter that will attempt to incorporate it directly and make clear where it starts to become a part of the conversation.

In essence, my argument here is that international human rights are not enough, in and of themselves, to address growing radical inequality. Nor are they enough, because of their strong foundation in dominant moral reasoning, to take into consideration the deeply relational and dependant nature of human existence as captured by an ethics of care. Their association with neoliberalism additionally reduces their ability to tackle the concern at the heart of both critiques.

The initial inspiration of the argument I pose in this research comes from the title of Samuel Moyn's 2018 book, *Not Enough: Human Rights in an Unequal World*. Hence, the subject of the thesis takes Moyn's title but integrates his approach with other equality theorists and adds in the concerns of the ethics of care. The reason for incorporating these two critiques in one thesis is two-fold. On one hand, both literatures provide evidence that international human rights have flaws with regard to their specific concerns and, therefore, they both contribute to the creation of the argument. On the other hand, the latter concern of an ethics of care also provides a potential alternative for addressing the problems of inequality. This is explored in the fourth chapter when both critiques are discussed across a number of common themes. They are, thus, both challenges

to human rights and, at the same time, they provide interesting insights when placed in conversation with one another.

Why the focus on human rights? Firstly, international enforcement of human rights (more so than just rights in general) has been, and continues to be, taken as the most effective way to radically improve the lives of people across the globe, especially of the needy and the oppressed. As outlined in the opening paragraph, these rights are assumed by many to be the most adequate strategy and discourse that we currently have for both founding a moral society and addressing injustice globally. At the same time, and secondly, it is often the case that a multitude of movements, injustices, crimes and concerns are subsumed under the banner of fighting for international human rights; which turns out to be far more unhelpful than productive. Thus, as James Griffin (2001: 306) puts it:

> It is not that the term 'human rights' has *no* content: it just has far too little for it to be playing the central role that it now does in our moral and political life. There are scarcely any accepted criteria, even among philosophers, for when the term is used correctly and when incorrectly. The language of human rights has become seriously debased.

Yet, the idea of human rights continues to play a central role and a considerable amount of attention is consistently poured into both the clarification of international human rights and into their strategies and implementation. This only further cements their prominence. However, if international human rights, while not being useless, are not the correct *starting point,* and if they have serious flaws that cannot be corrected for without looking outside of the discourse, then some of this attention and effort needs to be redirected into alternative possibilities and potential

frameworks. Hence, this research is centred on a question of international human rights and their flaws but also moves into outlining alternatives that stem from the second critique addressed here - the ethics of care.

A clarification that is important for the argument presented in this thesis, is that of the distinction between international approaches to human rights and local or national approaches to, and use of, human rights. 'Human rights' overall includes a vast and complex set of actors, institutions and frameworks which operate in, and link to, a similarly vast collection of issues, sectors of society and literature. This makes it a difficult concept analytically to break down, lay out and critique. And, while I hope to do exactly this, I do not want to blatantly obscure important complexities. While there are similarities that exist at all levels operating with human rights, there is a crucial distinction between the approaches and actors at an international level and of those at a local and national level. These differences will be elaborated in more detail throughout the thesis, but it is important to note here, because it is this distinction that is the basis of the fifth and final chapter. Altering the lens through which we view human rights, and through which we understand the two critiques, provides some interesting considerations. While I will still argue that human rights are not enough, Chapter Five shows an additional dimension of the argument that is needed to present a holistic critique.

Following on from this introduction, the next chapter provides a broad discussion of the current dominant (and largely international) human rights frameworks. This is broken down into four sections: discourse, actors and institutions, strategies, and power dynamics. The aim of this

second chapter is to provide a broad understanding of the important characteristics, debates and considerations within mainstream human rights. After this, Chapter Three places the attention on the two challenges to human rights. Inequality and the ethics of care are outlined, first more generally, and then with specific reference to the frameworks and characteristics of human rights presented in the previous chapter. The two sections, one for each challenge, will contribute to the argument that international human rights are not enough. With this argument established, the fourth chapter takes elements from both critiques and places them side-by-side. This is done using six specific themes of discussion: power and vulnerability, empathy, language, justice, neoliberalism, and motivation. While this may seem an extensive list, each theme builds on the argument that an ethics of care, while being one of the challenges to human rights, is also a potential alternative to approaching moral reasoning, justice and - importantly - inequality. The final chapter is where the complexities of human rights, international versus local, are detailed. Using case studies from Latin America and Africa, the effect of altering the perspective from which we consider the discourse of human rights is presented. The aim of this fifth chapter is to outline this complexity. While disruptive, the considerations produced will be shown not to dispel but rather to create a new dimension of the argument that human rights, particularly international human rights, are not enough.

Two: Current Human Rights Frameworks

To better contextualise the critiques that are to follow, this chapter aims to outline a broad understanding of contemporary human rights. Most of the debates are specifically concerned with international human rights characteristics, where they are not, it will be made obvious. In addition, the second section directly addresses the distinctions trying to be made between international and more local or national discourses - the importance of which will become evident as the argument progresses in later chapters. To give a holistic understanding, a variety of debates are included throughout the sections but, importantly, there are a few key tenets that remain at the heart of the mainstream understanding of international human rights frameworks and these will be made clear.

What follows is divided into four, loose sections that cover discourse, institutions and actors, strategies and, power dynamics. This is by no means a completely comprehensive inclusion of every source or debate within human rights; but it is a characterisation of some of the most enduring aspects of and pertinent concerns with the concept.

1. Human Rights Discourse

Human rights constitutes a vast and complex discourse. The rights included under the title are taken, for the most part, to be individual entitlements, granted to every single human being, by

virtue of their common humanity and on the foundation of an understanding of equal dignity among all people. This, thus, extends across borders and throughout cultures, applying in theory to each and every member of what has become a 'global community'.

From the outset, however, there is already a tension at the base level of the discourse, and this is because the internationally recognised set of human rights is a collection of two different 'sets' of rights: civil and political, and socio-economic. It is largely undisputed that civil and political rights form an important part of the collection of human rights worldwide. This uncontroversial (though not entirely uncomplicated) set of rights forms a considerable part, not just of international court systems, but also local and domestic legal constitutions. They are closely associated with the 'negative' freedoms, based on the value of non-interference, that have long dominated liberal political thought and that have become a staple of 'free and fair' societies. Thus, the considerable majority of the articles in the Universal Declaration of Human Rights (UDHR) are dedicated to outlining the negative freedoms to which each person should be entitled. For example these include, freedom from slavery and servitude (Article 4); freedom from torture and inhumane treatment/punishment (Article 5); freedom from discrimination before the law (Article 7); freedom from arbitrary arrest, detention or exile (Article 9) and; freedom from arbitrary deprival of property (Article 17). In fact, Articles 1 to 24 out of 30, as well as Article 27, can be seen as forming a part of the tradition of negative liberty. It is a valued tradition, evolving from experience across the centuries of the potential of a state or controlling power to subject people to large scale and often arbitrary abuse (such as the grievances that formed a part of the French Revolution against the ruling classes in the late-1700s). They are the

consequence of the desire to protect individuals from arbitrary power exercised upon them by an authority and, thus, this set of rights sees 'freedom' as characterised by non-interference.

However, these civil and political rights are not the only collection of rights. There is a prominent, and still actively contested, tradition that sees economic and social rights as equally, if not more, important to the freedoms included within the bracket of human rights. Thus, in the UDHR, Articles 25 to 28 deal with a more positive (and proactive) approach to understanding people's freedoms. These rights include: the right to a standard of living adequate for the health and well-being of oneself and of their family, including food, clothing, housing, medical care and necessary social services; the right to security in the event of unemployment, sickness, disability, widowhood, old age or another lack of livelihood in circumstances beyond control; entitlement to special care and assistance in Motherhood and childhood (Article 25) and the right to education (Article 26).

These rights sit largely in contrast with their negative liberty partners, as they embody an alternative understanding of freedom. These rights express that there is a necessary level of welfare or existence that every individual should not just be prevented from having but should also be *entitled* to. This 'dignified' existence is what would truly constitutes a state of freedom. Traditionally understood as 'positive freedoms', socio-economic rights, then, leave far greater space for the active involvement of external forces (i.e. the state or international organisations) in the lives of individuals. This proposed involvement is often assumed to take the form of provision by the state of basic needs like water, health, education and food. It also takes the

form of policies of welfare and distribution. Thus, the concept of freedom is different from that contained in the basis of civil and political rights and, as such, proponents of socio-economic rights argue that the conception of freedom upon which the former are based may be wide of the mark (Taylor, 1979; Pettit, 1997; Skinner, 2008; Sen, 1985; Hamilton, 2014). 'Non-interference' as embodying freedom may also be problematic because of the 'culture of indifference' that it can foster – an element that becomes relevant when addressing the two critiques to follow.

As mentioned, this second set of rights is still controversial and heavily debated in many academic and political circles. The most prominent critique of them stems from a neoliberal economic standpoint that argues that these 'freedoms from want', to which they are sometimes referred, come naturally from a stable foundation of political freedom (i.e. negative freedom) (Eide, 2011). Further from this, any imposition of them simply opens the doors for unnecessary involvement of the state in public and private affairs; a slippery slope to corrupt, inefficient and abusive state practices. From this perspective, human rights are primarily seen as being about liberty. Any rights which give an external power the potential for greater intervention into this liberty, thus, confuses the aim. A common counter argument to this is to readjust the understanding of what human rights are *for,* i.e. directing them towards an aim of equality and distributive justice (McCrudden, 2005). This forms an important part of the final chapter of this thesis where it will be dealt with in more detail.

Also stemming from this neoliberal critique is the charge that socio-economic human rights are largely impractical. They are far to 'open-ended' to entail correlative duties and, thus, cannot be

rationally defended (Beetham, 2011: 48). In addition to this, they have been argued to have serious resource implications that make them impractical, (McCrudden, 2005), or at the very least 'awkwardly invoked' in a global context (Held, 2015: 627). For proponents of these arguments, these concerns (of providing a dignified existence for all people) are relevant and may be considered charitable concerns - but they are not rights. Despite these critiques, socio-economic rights find themselves not only a part of the UDHR but of multiple other international agreements, such as the International Covenant on Economic, Social and Cultural Rights, and some domestic commitments, like the constitution of South Africa. In addition, they may, in fact, be considered as the more important set of rights due to their connection to the vast majority of individuals' daily lives and their impressive potential as agents of change (see Beirne, 2005). Nonetheless, civil and political rights remain the mainstay of the institutionalised frameworks of international human rights discourses.

With this understanding of what is included (and debated) within human rights in terms of the different 'sets' of rights, the following paragraphs will discuss some of the most prominent characteristics and debates associated with human rights.

A key tenet that many would see as an important component of human rights is the belief that they are 'natural'. There are two parts to this: one is that they occur because we are human and, thus, operate regardless of the society we exist in and the second is that they are inalienable and we, therefore, cannot take or give them away. The historical element of these characteristics rest in the development of ideas around natural rights and the rights of man in the works of canonical

thinkers like John Locke, in his *Two Treatises of Government* (1689), and Thomas Paine, in his *Rights of Man* (1791), as well as in the revolutionary events leading to the French Declaration of Rights of Man in 1789. This natural character of mainstream human rights, underwritten by the development of these early ideas, is not uniform and, in fact, there is considerable debate over what makes them natural and what this character entails.[3] For example, there is debate around whether the source of human rights rests in human nature, in rights themselves, or in concepts like social justice or human agency (see Donnelly, 1982; Gewirth, 1982).

Alongside this, separate to the debates over what exactly makes them natural, there is a counter argument for human rights instead being the creation of a (specific) society and, as such, dependent on the existence of the society. This leaves them far less 'secure' than some definitions would assume. Hannah Arendt (2000: 41) has argued that rights have little to do with the 'abstract nakedness of being nothing but human' and more to do with belonging to a political community that can uphold any such rights. This stems particularly from the study of 'stateless' people. In support of Arendt's position, Baxi (2006: 167) states that '[although] paradigmatically conceived as belonging to all human beings, human rights are at the very moment of enunciation meaningful only within the zones of sovereignty'. French philosopher Claude Lefort (1986) has also argued that human rights are socially constructed, that the claiming of rights is a re-articulation of the society we exist in and, as such, the struggle for

[3] For the most part, the distinction in this thesis is made between international and local human rights (the necessity of this distinction will be made clear as the discussion unfolds). However, a few times 'international' and 'mainstream' are taken to overlap and are, occasionally, used interchangeably. This is because 'mainstream' is taken here to mean the understanding adopted on the global stage - one that is consistent and conventional in international discourse and across actors in a number of societies.

human rights is inherently political. Strands of this line of argument, thus, also challenge the essential removal of the discourse of human rights from the political realm. *If* human rights are natural and classed as rights then they are ultimately *removed* from certain debate within society and some for authors, like Geuss (2013), it is extremely problematic to make such 'requirements and standards' apolitical. For him, 'rights talk' is as a trap that makes the political apolitical and takes 'our attention away from finding forms of living together which won't require giving trumps to people' (*Ibid.,* 92). These make up some of the key tensions in this characteristic. Nonetheless, this natural character of human rights is dominant and a common occurrence in international definitions of the concept.

The next important part of this discourse is the individual nature of human rights. This character is quite obvious in the fact that human rights are entitlements for each and every individual regardless of race, religion or ethnicity. As well as in the language of their expression: they are that every*one* has a right to this or a right to that. This individual character is heavily tied up in debates around individual liberty and autonomy which are extensive and unable to be covered in detail here. Of course, there is also a heavy literature on the potentials of group rights and there are concrete examples of where group rights have permeated international law.[4] However, the idea of group rights remains controversial and considerably outside of the mainstream understandings of human rights on the international stage. The important point here is that human rights are underpinned by an understanding of individual rights claimers. The concern with this is not so much that individuals are not entitled to such rights but, rather, that placing

[4] For a well-rounded discussion on this see Bisaz (2012).

'the individual' at the centre of the discourse encourages an egoistic approach to living in society. One of the earliest critiques of the idea of human rights, that was purported by Karl Marx, was that it reduced society to 'egoistic man' devoid of a connection to other men and the community (Marx, 1994). The concern that rights give rise to self-interest has since been echoed across various arguments with additional emphasis on how self-centred claims remove attention from the 'duties' we simultaneously owe to one another or to the community (see Klug, 2011: 68-69). The scholarship on 'duties' and their importance is both vast and evident across centuries (Mazzini, 1862)(Green, 1886)(Gandhi, 1946)(Moyn, 2018a). Yet, for the most part, these are again outside the purview of international approaches to human rights which, with a focus on the extension of rights to all people, do not quite incorporate concrete approaches to duties.

Some would suggest that this interpretation, however, is a misunderstanding of the commitments of human rights. Klug (2011: 74), for example, sites a subsection of Article 29 of the UDHR (that 'everyone has duties to the community in which *alone* the free and full development of his personality is possible') to suggest that the spirit of the original drafters of the document was geared towards a much more community-based, and thus relational, understanding of individual's existence. It is the community *alone* that allows the free and full development of the individual. Other authors, such as Beirne (2005), have also argued a more indirect connection between community and human rights in that the emergence of a human rights discourse depends on a strong and vibrant community connection. It was also Jacques Maritain, a contributor to the early UNESCO papers preceding the UDHR, that argued that rights and duties were correlative

with an emphasis on the necessary inclusion, within an understanding of rights, of a man's responsibilities and obligations to community (Maritain, 1948: 63).

However, despite this potential spirit, it is difficult to escape the individual nature to which human rights, being for the most part an individual right, can be reduced. Authors, like Robinson (1999), note that there is a powerful link between 'respecting the autonomy of individual rights' and 'justice' in contemporary society. This means that a number of terms that are used considerably within political discourse, despite their vagueness, such as 'justice' and 'respect', are understood largely through a framework of protecting *individual*, basic human rights. This further cements the connections between individualism and human rights and also attaches them to a 'proper' understanding of achieving justice. Consequently, a heavy reliance on (or foundation of) human rights, not only encourages people to consider themselves first and foremost as individuals but also incorporates itself into concepts like justice. Although, for some, the intention of human rights is more a guiding set of ethical principles to shape law and, thus, automatically implies duties, human *rights* remain specific legal entitlements belonging to each individual. The international lens in terms of human rights is, thus, largely centred on an individualistic understanding of our existence in societies.

The next important part character of human rights, sitting alongside individualism and their natural character, is universalism. This is not so subtly hinted at in the fact that it is the *Universal* Declaration of Human Rights that is the source from which most international human rights understandings and discourse stem. Thus, for some, 'the idea of human rights must be the

idea that there are certain rights which, whether or not they are recognized, belong to all human beings at all times and in all places' (Milne, 1986: 2). It is also relatively simple to understand where the justification for the universality of human rights comes from if they are rights based solely on the condition of being a human. It is similarly easy to understand the attraction of wanting to ensure that each and every human being across the globe is entitled to some level of dignified treatment and existence. Osiatyński (2009: 191-193), for example, shows how each grouping of rights - civil and political, and socio-economic - relates to granting a dignified existence to each human being. Of course, these points themselves can diverge into numerous debates around, for example, what attributes constitute being 'human' and, more controversially, what is meant by 'dignified' treatment or a 'dignified' life. Detailing these debates diverges too much from what is of primary concern in this thesis, but coverage of these can be found across multiple sources (Beitz, 2013; Donnelly, 2009; Düwell, 2014; Habermas, 2010; Waldron, 2013). For our purposes here, however, it is just necessary to note this powerful connection between universality and human rights. It is consistently defended using the arguments of a common humanity across the globe and a vision for a global community (Beetham, 2011).

The concern with universality is robust, however, and often takes one of a few forms (Beetham, 2011: 42-47). There is the argument that human rights stem largely or wholly from a Western origin and, as such, are applicable only within such a context. Tied to this are the questions over who creates the standards and whose interests they may serve (Osiatyński, 2009: 144-5). There is the argument that they are, paradoxically, incompatible with certain human value systems that stem from different cultural traditions and, in following with this, there is the argument that they

cannot be universal because they cannot adequately cater for the diversity of global contexts without losing all substance.[5] With regards to this, one of the most commonly referred to arguments against universality is dubbed the 'East Asian challenge to human rights'. Originally, this argument was one that emphasised the origin of international human rights as Western and, as such, based on specific Western liberal values not necessarily applicable to all cultures. Though, from this starting point some arguments have developed to reject the absolute binary of East versus West values. Instead, they have become engaged in discussions to critique human rights universality based on the value of local knowledge and local commitment, while at the same time investigating the complex, and possibly positive, relationship between human rights and other cultural values (see Bauer & Bell, 1999; Bell, 1996). Overall, as Robinson (1999: 7) notes international human rights discourse may foster a false image of a 'seamless humanity' underwritten by ideas of Kant's universalism and cosmopolitan ideology.

Multiple theorists, even when proposing very different solutions have, thus, remained sceptical of the ability of a regime of universal rights to adequately protect people. This is true of Marx in the 1840s; of Hans Morgenthau, the conservative theoretician of political realism, and; of Melville Herskovits, the liberal cultural relativist in the 1940s (Faulk, 2012). Nonetheless, the persuasiveness of the ideal of a common humanity and the globalising effects of factors, like economic practice and technology, have continued to place force behind the need for, and the benefit of, some kind of universal political and moral theory. The universal nature of human rights is still dominant (Donnelly, 1989; Griffin, 2008; Beitz, 2009; Howard-Hassmann, 2018).

[5] For more detail about specific cultures and human rights see Brems (2001), Donnelly (1989) and Sajo (ed., 2004)

For my argument here, despite the critiques, universalism is still integral to most international understandings of human rights.

The next point that needs to be made revolves around the concept neoliberalism. This is slightly different from the previously mentioned aspects but for the purpose of placing the critiques that are to follow in context, it is necessary to mention neoliberalism's position within current human rights frameworks. Given the now undisputed way in which various sectors of society connect, understanding an important political framework cannot be separated from considering the other hegemonic traditions in society. Thus, the economic ideology that is currently dominant, and that has been dominant since the 1970s, forms a part of this analysis - specifically for the ideas and values that it informs globally.

Now, neoliberalism itself is infamously sticky to pin down as noted by Wendy Brown in her *Undoing the Demos: Neoliberalism's Stealth Revolution* (2015:21). She notes:

> ...in its convergences with and uptakes of other discourses and developments, neoliberalism takes diverse shapes and spawns diverse content and normative details, even different idioms. It is globally ubiquitous, yet disunified and non-identical with itself in space and over time.

So, before going on to use it in the chapters that follow, it should be noted that the 'stickiness' of the term is recognised. In fact, as will be seen, its involvement in the issues in this thesis is also sometimes difficult to precisely pin down and Brown's point becomes evident. Unfortunately, however, the ability to thoroughly pull together neoliberalism and the main threads of this

argument is beyond the scope of this thesis. Nonetheless, it is an important element in the discussions that are to follow and, thus, requires at least a basic outlining.

Essentially, neoliberalism is a framework of a political economy underpinned by the valuing of private property, free markets, free trade, (negative) freedom and the individual. In the words of David Harvey (2005:2):

> ...[It] is in the first instance a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and free trade.

Reappearing with force in the late 20th century, neoliberalism played on earlier ideas from the 19th century proposals of laissez-faire economic liberalism concentrated on the power of 'freer', capitalist market interactions, de-regularisation, and the private sector. It became associated heavily in the Western world with the administrations of Margaret Thatcher in the United Kingdom and Ronald Reagan in the United States; though it also had considerable influence in other parts of the world like Latin America, Asia, and Oceania. At the same time, neoliberalism is more than just a set of economic policies. This is because, for the most part, it has become 'a peculiar form of *reason* that configures all aspects of existence in economic terms [emphasis added]' (Brown, 2015: 17). It becomes, across entire societies and global realities, 'an ethic in itself, capable of acting as a guide to all human action and substituting for all previously held ethical beliefs' (Rapley, 2004: 55). This also adds to what makes it so difficult to pin down because, more than just a set of policies, it is a belief in the ability of 'the market' to balance all

human goods, and even more so, to create human good through the free access to, and distribution of, goods and services. All of which contributes to what constitute freedom and justice.

The resurgence of international human rights discourse and the popularity of neoliberal economic policies coincided towards the end of the 20th century; making them important phenomenon to understand together (Moyn, 2018b). As human rights became, and arguably still, exist as 'the inescapable referent for ethical conduct, political responsibility and social action', neoliberalism came to underlie understandings of the global political economy and, for the most part, the dominant economic order (Faulke, 2012: 119). Yet, it is also more than just a simple coincidence of their simultaneous rise that links the discourses of human rights and neoliberalism. As a philosophy, its policies and practices are accompanied and reinforced by forms of 'governance and subject-making' (Postero 2010: 60). A considerable portion of this stems from the central value of the individual; the belief in largely autonomous, independent moral agents and; the acceptance of universal application of systems or codes. Thus, discourses of human rights and neoliberalism also share some fundamental assumptions about human nature and the development of societies. For Rodríguez (2009: 12):

> Individualism is the solid and unswerving bedrock upon which liberalism firmly rests and to which all other concepts of liberalism refer; all liberal concepts flow from individualism, and nothing can be understood outside of it. In actuality, human and natural rights are coterminous with the rights of the individual. Together they constitute a synergy that holds together the edifice of liberalism and that underwrites its particular claims to universality.

And, similarly, for Geuss (2016: 154):

> The first, philosophical, part of neoliberalism comprises a certain form of individualism. It is the human individual who is the basic object of ethical concern and bearer of whatever values there are. The good life must be the life of the human individual, and its goodness is constituted by a triad of three components: welfare, as measured by the level of access to goods and services, the satisfaction of desires, and freedom.

Therefore, the central figure, the individual, is a consistent cornerstone of neoliberal and human rights frameworks. Yet, beyond sharing some common underpinnings, some authors have suggested the interconnection extends even further. For example, for Sally Engle Merry, contemporary transnational human rights networks have formed a part of a normative and fundamentally neoliberalist vision of modernity (Merry, 2005 cited in Faulk, 2013). Other views, like that of 'new realists', suggest that, given the triumph of this global economic order, all that can be pressed for is 'humane management of global capitalism – neoliberal agendas plus a dose of human rights' (Mayo, 2005: 36).

Despite these links and similarities across the neoliberal and human rights discourses they are also, arguably, separate. As Freeman (2015) suggests, many would see neoliberalism and human rights often working at cross purposes, especially when it comes to concepts like economic and social rights.[6] This is because of the contradictions that would lie with supporting the imposition of a selection of rights that would likely require increased state intervention and a greater

[6] Of course, as mentioned, where exactly this stands in relation to the international discourse of human rights is still not settled.

curtailing of individual, negative freedoms. Thus Moyn, for example in critiquing human rights, notes their connections to neoliberal ideology while at the same time steering away from subsuming them under one movement (Moyn, 2018b: 215-216). Overall, however, there is what Kelly (2018: 295) calls an 'inconvenient truth' that marks the connection, even simply in circumstance, between the discourse of human rights and the dominance of neoliberalism. The importance of this connection will become more apparent during the discussion of the critiques to follow.

The above outline has shown the continued complexities of the human rights discourse. But despite all these tensions and debates, from a mainstream, international perspective, human rights operate as natural, individual and universal rights and continue to serve as the main foundation upon which moral action, policy, and discussion takes place. The next section introduces a new set of considerations in the form of the various actors involved when it comes to human rights.

2. Human Rights Institutions and Actors

The second important section to consider when looking at the frameworks of human rights is the main institutions and actors that create, adopt, and enact human rights themselves. This is a crucial part of the story, not just of how human rights developed, but of how they operate within and across current societies. The international discourse of human rights, which very much dominated the previous section, can be seen to interact with specific actors and institutions, but

the necessity of recognising the levels and diversity of actors becomes the next complexity to take into account.

It is the United Nations (UN) which is most often associated with human rights. It was, after all, the UN General Assembly that drafted the UDHR in 1948. And it is through them, and their multiple branches, that human rights are often enacted on the international stage. These include the General Assembly, the Security Council, the Economic and Social Council, the International Court of Justice and the Secretariat; all of these bodies engage with and employ in their workings a general understanding of human rights grounded by universal and equal entitlement to human dignity and the UDHR. Human rights law as a branch of international law is also an important element of the international understanding and it stems from institutions like the International Court of Justice. It is further embodied in a number of universal instruments like the Convention on the Prevention and Punishment of the Crime of Genocide (1948), Convention on the Elimination of All Forms of Racial Discrimination (1965), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), Convention on the Elimination of All Forms of Discrimination against Women (1979) and others.

Alongside these are international Non-Governmental Organisations (NGOs), like Amnesty International and Human Rights Watch, that operate globally to provide support for local movements; to use their power to hold accountable global organisations or specific governments and; to invest considerable time in research across various dimensions of human rights. They

similarly can be seen to draw heavily from the international understanding of the concept though they do take steps to associate as closely with more local and national discourse. For example, Human Rights Watch reports from multiple countries, compiling detailed profiles of various areas and struggles and; Amnesty International can work at national level, involving themselves in lobbying strategies. Ultimately, though, the organisations, institutions, and actors that operate at an international level are often working to uphold international standards of justice as defined by, or perhaps embodied by, the UDHR. Although ideas of socio-economic rights are present in these international documents and bodies (such as in articles of the UDHR and in the International Covenant on Economic, Social and Cultural Rights), in reality, the operations of these institutions focus heavily on the civil and political set of human rights (as expressed in the studies of Kelly (2018) and Faulk (2013)).[7] This may sometimes be for reasons of practicality and sometimes for reasons of measured effectiveness. Either way, as noted by research into human rights operations at local levels, the language and action of internationally-based organisations are often centred on civil and political rights (*Ibid.)*.

These organisations and institutions, at this international level, are often the primary target of the critique of Western bias that operates within the concept and thus, arguably, through all bodies adopting the concept. The predominance of Western powers within UN branches like the Security Council is one example of where this presumed bias stems from. However, it is also because the development of these institutions and organisations come from a background of Western experience, specifically in the generation of norms, for example relating to gender and

[7] More detailed evidence of this will be presented in Chapter Five.

religion (Stammer, 1999; Jones, 1999; Ignatieff, 2001). These norms, some of which were considered in the first section, are largely inscribed in these international institutions and organisations and are not easily separated from them.

At the same time, in understanding human rights, it is not only the international actors that are of importance. Many people may assume that the discourse that exists at an international level is what trickles down to national level and fuels local conversation and action around human rights. This is not completely inaccurate. Various grassroots movements that employ human rights may associate themselves with larger, regional or international organisations and may utilise the sources and information created and encouraged at an international level. Global civil society, like UN summits, can facilitate widespread coordination for specific issues, provide legitimacy and help diffuse necessary framing mechanisms (Bell et al., 2014). It can also act as a catalyst for spurring new action or providing tools for success (Price, 2003; Rutherford, 2000; Clark, Friedman & Hochstetler, 1998). In addition, across both the Global South and the Global North, human rights provide a common moral vocabulary for those not only from different societies but also from different ideological backgrounds (Kelly, 2018).

However, at the same time, there can still be significant discrepancies between human rights actors and institutions on an international level and those on a more national and local level. Why is this, and why is it important? Some scholars suggest that a dominant focus on Western goals can undermine rights struggles when local goals and knowledge are not taken into account (Hemment, 2004; Ghodsee, 2004), evident, for example, in the specific civil and political

international focus which obscures social and economic local goals (Kelly, 2018; Faulk, 2013). Similarly, research suggests that, while formal human rights frames can be helpful for legitimacy and mobilisation, strict frames can limit local movements which need to be adaptable to be most effective (Skillington, 2012; Charnysh et. al., 2015). Interestingly, in a study on human rights, post-conflict reconciliation, and 'missing' persons, Kovras (2012) suggested that 'de-linking' the human rights problem of the missing persons in these societies from larger political negotiations did have positive effects for reconciliation and community concerns. Additionally, in an earlier point, he notes how a key problem of human rights discourse in post-conflict societies is a lack of communication when the 'other' is not officially internationally recognised or when the 'in-group' claims to have the monopoly on suffering (*Ibid.,* 99).

Various new dynamics become evident at a local level. On one level, local human rights organisations often face an entirely different type of government pressure and operating from an 'internal' dimension as opposed to an 'external' one may alter the form of human rights strategies and the perception of various human rights potentials. On another level, the state-centric definition of local social movements for human rights may not accurately describes the struggles within the local context, and thus may not be helpful in facilitating their cause (Snow, Soule & Kriesi, 2004). A further point of concern necessary to mention here, and highlighted in research by Ron, Crow and Golden (2013), is that human rights language, actors, and participation may be skewed in the Global South towards elite groups. Particularly in Mexico, but also including research from Columbia, Morocco, and India, these researchers found that connection to the language, contact with human rights activists and actual human rights

participation, was often significantly skewed towards a more 'elite' grouping within the countries. From a representation perspective this is seriously concerning. It is also important in understanding how dynamic and varied the discourse and activities of human rights can be.

The interactions between local and international understandings of, and actors within, human rights discourse is complex. As shown above, there can be both connection and harmony as well as disjuncture and tension. Although I recognise this complexity, I cannot cover it in extensive detail here. However, the necessity of mentioning it briefly is two-fold. First, the critiques which are to be addressed in the next chapter are largely operating from an understanding of an international framework of human rights and because of this, it would be inadequate not to note, in light of the sheer mass of human rights literature, the often-tangled nature of the discourse we are dealing with. The critiques need to be placed within this context before being outlined. Second, in the fifth chapter of this thesis, these distinctions and interactions will become directly implicated in the discussion of whether human rights are really enough. They become important when evaluating the critiques, because to best assess them, it becomes necessary to incorporate a holistic understand of actors, institutions and organisations operating within the discourse of human rights.

3. Human Rights Strategies

There are a number of general strategies involved in the implementation of human rights across the world. There exists debate about the effectiveness and usefulness of the various strategies

which are often inter tangled both at an international and local level. Some of the key strategies to be discussed here are legal approaches, 'naming and shaming' tactics, and language.

Within current frameworks, the application of human rights usually takes one of a variety of forms. One form, which is clearly connected to the 'rights' element, is the legal framework that movements and organisations often utilise. Litigation and legal mechanisms are an important part of implementing the ideals expressed in the UDHR, and the values in general, into society in a real way. Processes for litigation exist on an international level in bodies like the European Court of Human Rights, The Inter-American Commission and Court of Human Rights, and the African Court on Human and Peoples' rights. Human rights also exist on a more local level with attempts of implementation into specific state legislation: for example, the UK Human Rights Act (1998) or the South African Constitution's Bill of Rights. Of course, these two variations in legal mechanism have different consequences, effectiveness and overall processes. Thus, international bodies and courts often fall prey to a different set of critiques yet, at the same time, are often taken to be or assumed to be the main standard for the legal implementation of 'human rights' on a global scale. The distinction between international human rights and local human rights has already been addressed in the above section and as mentioned, it will become important in a later chapter. For now, it is simply necessary to note the multiple legal frameworks through which human rights work can be implemented.

With that said, these legal frameworks (specifically the international ones used often in the task of protecting human rights globally) are not wholly effective. A key limitation for the

international imposition of human rights via these mechanisms is the sovereignty of nations. There is still an extreme tension between 'intervention' and 'sovereignty'; governments considerably remain the 'sole agencies capable of enforcing international conventions and respect for human rights in their territories' (Beigbeder, 1991: 182; Brett, 1995). Other authors, like Steiner (1991: 62), have observed that 'real changes can be brought about only by people in a country, not by 'outsiders looking through windows'. This is why Moyn (2010), in his discussion of the history of human rights, draws attention to how these rights were conceived of with 'the nation' at the centre and not necessarily thought of in terms of global enforcement outside of the nation's framework. In line with this problem, certain research, like Hathaway (2002: 1940), has tried to show how international treaties regarding human rights can have high non-compliance and possibly even a negative correlation with human rights violations in the specific country.

Another important tension when it comes to legal enforcement of human rights is of that between 'morality' and 'legality' (i.e. between a moral 'guiding principle' as opposed to a legally enforceable right). The understanding is that there is no necessarily clear or obvious distinction between where morality ends and law begins, particularly when it comes to human rights. A common conclusion is that our moral understandings shape our laws and rights. So, for Cranston (1973: 82), 'moral claims of today are often the legal rights of tomorrow'. It is clearly, however, not as simplistic as this. To begin with, many 'moral claims' cannot be legally enforced, or, at the very least, it is controversial to do so. The classic example here would be of happiness, whereby many people would argue humans have a moral right to happiness even though this is

practically unenforceable. Similarly, having a 'dignified' life comes up against challenges of defining 'dignity' and making it practically enforceable. The discussion earlier around the two 'sets' of human rights (civil and political, and socio-economic) is also included in this tension. Especially as the strings of moral reasoning and legal reinforcement can often pull in different directions. How to marry these two terms is an achievement yet to be effectively made. Also caught up in this tension is the plurality of moralities, or rather values, that coexist (not always peacefully) in the global context. Whether or not there is a single guiding morality that should govern humanity is not only one of the oldest concerns, but it is one that is still very much debated. This is interlinked with a variety of the debates already discussed (and still to come), but, it is important to note it here as a complication of the complete and effective enforcement of human rights through legal mechanisms.

In addition to this, the legal framework through which rights must operate is restricted to a focus on 'conflict resolution'. While this is undoubtedly necessary, it goes no way in ensuring the foundation on which we operate, focuses on, or even incorporates, 'conflict prevention' (Clement, 1996). In a similar vein to the critiques that argue that international human rights discourse is simply an ideological weapon of wealthier nations, Naomi Klein, in *The Shock Doctrine* (2007), suggests that human rights activists fail because they focus on the crimes but not on the reasons behind them. An automatic legal reaction to the crimes of human rights abuses and the focus on conflict resolution, while not meaningless in society, places too much attention on the immediate crimes and not enough attention on the reasons behind them. The theme off addressing root causes and structural problems is one that is important to both critiques

that follow. In a similar vein to the suggestion of shifting focus to conflict prevention, Geuss (2013: 92) has pointed out in an interview that it is necessary to give attention to '...finding forms of living together which won't require giving trumps to people' and he argues that reliance on human rights as a universal model takes away from this. These threads become important elements of the later critiques.

Another common strategy that is often used by various international human rights movements is that of 'naming and shaming' or as Moyn (2018b: 218) puts it, 'playing informational politics to stigmatise the repressions of state or the disasters of war'. Some human rights movements rely on rallying support on a global scale to draw attention to the concerns for which they are fighting, and in doing so put pressure on whatever entity their concerns are directed at. The wider the coverage, the more considerable the pressure may become, and the more likely powerful actors are to become involved. In turn, this could result in the desired changes or could complement legal mechanisms. Along these lines, authors like Neier (2012:12), have suggested that a pivotal portion of the advance of human rights over a number of decades by various organisations has been due to a reliance on the 'gathering and disseminating of detailed and reliable information' of abuses; which are then used to mobilise support and create pressure. The work of NGOs often focuses on gathering information about abuses within violating countries and using this in their advocacy around, for example, education, persuasion, and the public shaming of violators (Claude & Weston, 1992). In this way, information is the 'lifeblood' of many international human rights movements. The collection and distribution of information is similarly an important strategy of human rights advancement which culminates in the use of the

information to generate public outrage and push governments to make changes. For example, as was seen in the US during the Nixon and then Reagan administration with regards to the Pinochet coup in Chile and the sanctions of South Africa under Apartheid respectively.

There are further examples across the globe of organisations bringing concerns to the international agenda by highlighting abuses, such as in the case of Darfur and Human Rights Watch. In the formulation of treaties, too, like the 1998 Rome Treaty (which created the International Criminal Court) and the 1997 Treaty to Ban Landmines, informational campaigns by non-governmental human rights groups were critical to the process (Neier, 2012). One of the most well-known international organisations of human rights advocacy, Amnesty International, in fact originates from early campaigns for political prisoners, and the 'naming and shaming' of governments violating these individuals' rights. Facilitated by and linked to 'naming and shaming', Keck and Sikkink (1998) highlight similarly important strategies like 'symbolic politics' and 'leverage politics'. These tactics are what allow a networks of movements to 'persuade, pressure and gain leverage over more powerful organisations and governments' (*Ibid.,* 2).

However, without digging too deep, it already becomes apparent that this form of protecting human rights, correcting injustice, and addressing problems in society, could be flawed for a few reasons. First, it makes human rights' concerns subject to the whims of public support and convincing movements. In discussions on human rights and social movements, Baxi (2000: 41) mentions how 'catastrophe...becomes commoditized in global media and law markets' but, that it

is a commodity with a 'short shelf-life'. The 'fluctuations' of support for different social and human rights movements are also intimately connected to emotions (Collins, 2001).[8] This ebb and flow of gathering large scale support, a phenomena analysed by the theory of critical mass (Marwell & Oliver, 1993), is well known, and while it can be extremely effective in certain cases, it is not a stable, nor easily understood, strategy. Second, this mechanism for correcting injustices may never be able to address root causes and structural problems. This is because it often draws the attention to the severe manifestations of the problem (for which it is easier to draw public support and condemnation) and these, in turn, can often be corrected by surface solutions. Nelson and Dorsey (2008) note that human rights strategies must move into new collaborative relationships with governments, beyond the old strategy of naming and shaming. Particularly in relation to development (social and economic rights), the authors also show how these old strategies can be useful in getting governments to refrain from detrimental activities that could harm these human rights, but not so successful in getting them to fulfil positive obligations in better ways like in the cases of with health and education.

Another strategy of human rights revolves around the power of discourse and the potential of the concept to act as an important 'frame' for various social movements across the globe. International human rights language is an often-useful tool of international organisations and groups, as well as local ones. This is because frames are, by definition, 'emergent action-oriented sets of beliefs that inspire meaning and legitimate social movement activities and campaigns' (Benford, 1997: 416). In addition, improving functionality is one of the main

[8] In addition, and more generally, see the collection of works by Goodwin, Jasper and Polletta (2001) on emotions and social movements, of which Collins (2001) is one.

components of frame theory (Landy, 2013). Communication plays a central role in 'necessary linkages' and connection for social movements across diverse groups; having a common language to facilitate this plays a part (Vanden, Funke & Prevost, 2017: 4)(Funke & Wolfson, 2015). In this way, the international discourse of human rights has come to aid in various struggles worldwide by having a 'discursive power' capable of effecting necessary change (Aguilar and Saiz, 2016). A lack of rights is one of the most common expressions of grievance by opposition groups (Gamson, 1992) and the 'neutrality' of the language of human rights helps these groups 'transcend particularist narratives' (Landy, 2013: 417). In fact, the largest number of transnational social movements have used the language of human rights to ground their struggle (Smith, 2004). It is not only a language that is well-established; it also garners specific emotional responses from the public (Nepstad & Smith, 2001).[9] All of this is why, in relation to the point above, about the gathering of widespread support or pressure, the utilisation of the language of human rights to better express the extent of injustices has been shown to have useful motivating effects.

Furthermore, Snow and Benford (1992) suggest human rights is one among many 'master frames'; able to be applied across a number of dynamic movements and contexts and crucial for mobilisation and collective action. This type of frame provides multiple movements with access to things like legitimacy, international institutions, resources, and sympathy; not otherwise available easily (Tsutsui, 2006). In many parts of the world, this then allows for a 'versatile vocabulary' that exists alongside various other struggle discourse (Kelly, 2018: 9). In other

[9] Rights, in general, also play a considerable part of the discussions in the collection by Goodwin, Jasper and Polletta (2001) about the emotional components of social movements.

words, human rights organisations and movements have the ability to 'frame issues to make them comprehensible to target audiences' (Keck & Sikkink, 1998: 2). Often, despite being diverse politically, structurally and stylistically, human rights movements can have a sense of being a part of being 'one movement', a kinship of sorts (Neier, 2012). This is connected to the idea of being linked under one 'language'.

However, there is a negative side to the use of specific international human rights frames and language. They can be equally constraining, reducing movements to a contest between competing claims or proving inflexible to the needs of actors to be adaptable (USAID, 2017). Similarly, though at a more general level, authors, like Griffin (2001: 306), have noted the 'debasement' of human rights language as a consequence of the concept becoming increasingly all-encompassing. The ability of human rights language to be both enabling and constraining is a dynamic that will become important again during the discussions in Chapter Five. For now, both the advantages and pitfalls of a global language of human rights should be noted.

Legal mechanisms, naming and shaming and common language are key strategies or tools that contribute to the success of various human rights movements (or social movements that utilise human rights frameworks). While recognising that they do have a purpose and that they can serve to be effective for certain real and meaningful change, this section has also introduced some of the major criticisms leveled against their usefulness. The various traditional and mainstream approaches, then, continue to be questioned and the ways in which this is done will become important in the discussions of the two critiques to follow. Both find that the above

strategies, so often implemented for addressing key moral concerns across societies, are ill-fitted to countering the issues they raise.

4. Human Rights Power Dynamics

The three previous sections have presented the frameworks of current human rights in terms of the mainstream - largely international - discourse, the collection of actors and institutions involved, and the main strategies used across various movements. This section deals with a slightly less 'concrete' dimension of the discourse: the various power dynamics that potentially influence both the ideas of human rights themselves and the implementation of these ideas. Power continues to be an intriguing term in both older and more recent scholarship. The reason it is included as a separate section here is because, despite being yet another concept that is encircled by a wide range of complex literature, it is a necessary dynamic to keep in mind from the beginning of this thesis because it plays a role in the discussions in Chapter Four, which address the insights from the critiques.

The debate around natural versus constructed rights, already discussed, shows the way in which the creation of human rights could be critiqued if it is thought that the construction is imbued with the interests of a specific 'power'. This relates back to the discussion in section one on the natural character of human rights and in section two on the imbuing of the concept with the norms of a specific culture - specifically Western culture. To reiterate, there is a tension between believing that human rights naturally stem from simple human existence and believing that they

are wholly a creation of political society. The latter would leave them politically and socially constructed, stemming not from nature but from a particular set of humans' historical contexts and experiences. Although there are few that would argue that human rights would automatically be maintained in a 'state of nature', there is still a certain reliance on the belief that human rights must somehow be connected to nature in order for them to retain their automatic and inalienable quality (for examples, see Donnelly, 1982 and Gewirth, 1982). The links between this and debates around universalism, also discussed in section one, are apparent.

However, if human rights are taken to be socially and politically constructed, as authors like Lefort (1986) and Arendt (2004) have argued they should be, then the need to consider the relevant power dynamics that may be operating through the concept becomes evident. One side of this argument ties back into the criticism leveled against universalism mentioned earlier; the bias produced by rights, laws or morality based solely on a foundation of a Western experience (and on a Western cultural perspective)(Bauer & Bell, 1999; Stammer, 1999; Jones, 1999; Ignatieff, 2001). The conflict that some human rights may have with cultural elements in other parts of the world could be framed in this understanding of the power dynamics inscribed in the concept themselves. This is especially when they are taken to be 'human' rights - a term which immediately inscribes an intimate connection between these rights and the idea of being 'human', leaving any culture that questions or violates them on the 'backfoot'. Chubin (2017: 134) for example, in relation to women's movements in postcolonial Muslim societies, argues that 'careless and culturally insensitive transnational agents can delegitimize the movement…[and impose]... the rhetoric and Western standards of human rights on marginalized

cultures'. This is not to say that this thesis is arguing on the side of cultural relativism. Rather, this is to highlight that if a credible concern with any human right existed, then the argument is automatically undermined by the righteous terminology of 'human' rights. This is an undeniable power dynamic to keep in mind if we are to accept that these rights are, to any extent, socially constructed rights.

Moving away from power inscribed in the actual rights themselves, another considerable way in which power and human rights interact is in the questions over the utilisation of these rights to justify intervention of one nation, or group of nations, into another. This is a far more concrete consideration of how human rights could serve the interests of a specific group and the debates around humanitarian intervention have remained fiercely argued from various sides in politics and international relations since the Cold War. The Responsibility to Protect (R2P), endorsed by all member states to the UN in 2005, is a political commitment that embodies intervening on a humanitarian level to end the worst forms of violence and persecution. This is heavily associated with ideas of human rights. However, despite its assumed basis in altruism, a Global Policy Forum report by Pingeot and Obenland (2014: 5) draws attention to a number of flaws which echo the general set of criticisms against human rights intervention. First, there has been evidence that suggests that the lack of intervention into various states in recent decades has been due to a lack of interest by major powers, in intervening or solving the crises, rather than due to a high regard for sovereignty. This, essentially, supports the critique that major powers intervene solely to serve their own interests rather than to uphold their commitments to human rights. Second, the report suggested that there is often a 'right' versus 'wrong' or a 'good versus 'evil'

dichotomy that characterises such intervention. This then misses crucial complexities which are needed to both carry out, and fairly judge, the processes involved in intervention.

Third, a considerable concern is that current strategies of humanitarian intervention do not necessarily provide effective methods for accountability. This in turn leads to a slippery slope in which 'the imperative of "saving lives" can provide justification for many actions' - which only exaggerates the concern that major powers intervene solely for their own interests (*Ibid.,* 2005: 5). Finally, a key problem is that intervention has become exceptionally tied to liberal outcomes which means that, in the eyes of critiques, it has simply made military intervention more 'palatable by couching it in the language of human rights and morality' (*Ibid.,* 6). This means, that when it comes to intervention, human rights have given life to a whole new approach of 'illegal but justified'; using a language of morality to sanction the contravening of state sovereignty. Authors, like Roberts (2009), argue that while the 'illegal but justified' approach seems one way of balancing legality and morality, it is unsustainable in international law.

All of these concerns are interlinked and draw attention to the tensions that lie between sovereignty, humanitarian intervention and law. Yet, they also suggest that is truly of concern is the use of, as Pingeot and Obenland (2014: 5) say, 'the imperative of "saving lives"...[as a]... justification for many actions'. One of the most obvious, and oft-cited, examples of this in recent history is the invasion of Iraq by a collection of US and UK (as well as Australian and Polish) forces in 2003. Although initially humanitarian concerns were not claimed to be the main driver of the invasion, as time passed and all other justifications proved invalid, the tyranny

of Saddam Hussein against his people, and the need to correct this, became dominant in the speeches of the Bush Administration (Human Rights Watch, 2004). This is despite a Human Rights Watch Report deeming that the invasion was not a valid form of humanitarian intervention (*Ibid.*). Similar concerns can be found in evidence of the intervention by NATO forces in Bosnia Herzegovina from 1992 to 2004 or in Kosovo from 1999 to present. Here, motive, as well as the methods and means of intervention, neither of which seemed to place alleviation of suffering at the forefront, have been considerably questioned (Massa, 2009). In this case, the UK administration 'openly espoused' humanitarian concern in publications and statements as the key driver of intervention. Orford (2003: 18) challenges these interventions and questions claims of 'selfless intervention', arguing that:

> The international community is already profoundly engaged in shaping the structure of political, social, economic and cultural life in many states through the activities of, *inter alia*, international economic institutions. Indeed, intervention in the name of humanitarianism too readily provides an alibi for the continued involvement of those interested in exploiting and controlling the resources and people of target states.

The use of human rights to further a specific power hierarchy and set of interests is simultaneously supported by critical theory authors like, Wendy Brown (2004), who argue that human rights continue to be used to justify imperialist invasion. This debate has multiple layers and is not close to being settled. Yet, it shows the power dynamics that can be argued to exist in current contemporary human rights frameworks on the international stage.

Looking at ideas of 'power' from a different angle creates another set of dynamics to take into consideration. Saying that you have a set of rights, tells us nothing about how, and whether, you can exercise them. This consideration is one that is also applicable to rights in general and invokes a large collection of conversations around the individual's ability to effectively exercise their rights. Amartya Sen, in his capabilities approach, argues for the focus to be put on individual's *capability* to achieve a good life and not simply the abstract creation of a set of rights that could enable such a life. In this respect, he emphasises 'effective freedoms' rather than merely descriptive freedoms (Sen, 2009). Multiple theorists have supported and advanced these ideas (Nussbaum, 2011; Robeyns, 2003; Alexander, 2008; Crocker, 2008). Following on this concern of the actual exercise of rights brings back into the conversation the legal nature of human rights frameworks outlined in an earlier section. Here, if successful, or at the very least meaningful, options for correcting human rights injustices lie in the legal domain, then the often-skewed access to legal resources also needs to be taken into consideration as a power dynamic (Hamilton, 2003). This consideration runs from an individual level to an organisational level and from a local level to an international level. It is also another dynamic that could be considered within the discussions around the effectiveness of human rights for meaningfully correcting injustices and acting as a useful platform at all levels.

The final aspect to be addressed here relates to the previous section on the strategies of international human rights and on neoliberalism. As already mentioned in the first section of this chapter, neoliberalism has an interesting role in both this thesis and in the discourse of human rights in general. The concept comes with its own collection of power dynamics and a wide

range of arguments about them which cannot be laid out in detail (for examples, see Harvey, 2005 and Brown, 2015). But, the existence of these power dynamics and their connection to the concerns that both critiques raise in the following chapter, around inequality and interdependence, are important here because, they are dynamics that are not effectively counteracted by international human rights. This is not necessarily to say that human rights discourse created or actively contributes to accommodating these power dynamics, but more to say that the current strategies they implement and foundations upon which they rest are not providing an adequate challenge to them (Moyn, 2018b; Robinson, 1999). As will become more apparent in the discussion of the critiques, international human rights often seem ill-equipped to counteract the negative effects of neoliberalism and while they continue to operate concurrently to it without effective strategies to challenge these effects, the political economy continues to operate in a manner that can deepen exclusions and harden hierarchies (and even in ways that creates new forms of exclusion). Jaggar (1995:197) has argued that, for a truly global approach to current concerns, we require 'a kind of moral thinking that focuses not only on meeting immediate needs but on problematising the structures that create those needs or keep them unfulfilled'. Because of this, what is relevant to keep in mind throughout this thesis, is not just the power dynamics that exist within and through human rights, but also the power dynamics that contribute to moral crises at hand that exist outside of the concept, but that the human rights frameworks do not adequately address.

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Throughout this section there has been a subtle contrast between the power dynamics inscribed in the concept of human rights itself, the use of the concept by various powers to further their own interests and the relationship between human rights and other power dynamics in concepts related to the current thesis. Although brief, the outlining of some of the main arguments and debates within all these different considerations, both with regards to power dynamics and with regard to the previous sections, is an important part of understanding current international human rights frameworks. While not all of these considerations are immediately relatable to the two critiques that are to follow, they remain an important part of outlining the complexity within the discourse and of aiding in the development of a more holistic picture of the human rights. Finally, in the process of deciphering the questions of whether human rights are enough, all of these tensions, in some way or another, are crucial.

Three: Human Rights: The Challenges of Inequality and Care

The previous chapter examined the current international human rights frameworks across a number of different dynamics. This included the mainstream discourse that surrounds them, the actors and institutions that implement them, the strategies that they rely on, and the various power considerations in which they are embroiled. The discussion also included some traditional critiques and debates that still surround the concept.

This chapter introduces two specific criticisms leveled against human rights. In general, there have been numerous criticisms, either ontologically or with regard to their moral and political potential. This was initiated by some of the earliest critiques in the mid-1800s, like that of Jeremy Bentham, who proposed that they are 'nonsense upon stilts' and Karl Marx, who, in *On the Jewish Question,* challenged them as essentially egoistic and consumed with self-interest (both in Waldron, 1987). This extends consistently across literature to more recent authors like MacIntyre (2007), who imagines them existing alongside the realm of 'witches and unicorns', and Kundera (1991: 153), who expresses a concern that the 'the more the fight for human rights gains in popularity, the more it loses its concrete content…'. These concerns and others are echoed across various traditions that challenge and dispute the value and the foundations of human rights, some of which have already been mentioned.

There are of course, a number of other traditional criticisms of human rights. By and large, contemporary critiques have usually focused on three main themes: their Western bias, their infeasibility (most associated with the socio-economic set of human rights), or their apolitical character. Some of the debates prominent across these critiques may come into play in the discussions that follow and, if so, they will be addressed within that context. In part, both sets of critiques incorporate elements of traditional criticisms but simultaneously include unique arguments that do not fit easily into any category. They are all primarily, though, concerned with one or other key tenet - inequality or care. Neither group is an entirely homogeneous critique and various authors within each theme take multiple approaches. The following two sections, thus, address these two challenges separately. In each, the debates between the various authors will be discussed so as to give an understanding of the various tensions and elements within each group. Ultimately, however, each section will end with a clearly defined challenge to human rights.

1. Inequality

There has been a growing concern with wealth inequality across the globe for a number of years; with increasing urgency. Authors have published important studies criticising the wealth disparities, like Stiglitz's (2012) *The Price of Inequality* and Piketty's (2014) *Capital in the Twenty-First Century,* which extensively document income inequality not just in Third World Countries but also in global leaders like the United States and United Kingdom. Furthermore, societal concern has become increasingly present as suggested by Oxfam's 'Even it Up'

campaign and data presented by Fukuda-Parr (2016) which suggests that worry for inequality spans across lower, middle and upper-class brackets. Release of the Panama Papers in 2015 (and other telling WikiLeaks), documenting personal financial information of private and public individuals, also brought considerable attention to wealth distribution and contributed to a groundswell of concern for inequality (cited in Seabrooke & Wigan, 2016).

Amongst those concerned with growing gaps, a number of the arguments brought forth come from, or make specific reference to, human rights and the human rights 'community'[10]. For example, global organisations like the Centre for Economic and Social Rights (CESR), Amnesty International and Oxfam have issued press releases, briefing papers and reports regarding the increasing threat of inequality to human rights, expressing their distress, and urging for more active engagement on the issue (Oxfam, 2016; Amnesty International, 2016; CESR, 2018). In January 2016, various organisations, often seen as civil society leaders and chiefly concerned in discourses of human rights, released a joint statement reiterating their concern for a crisis 'spiralling out of control' and in outlining their approach they included tackling 'root' causes of inequality, supporting workers' rights, 'pressing' governments to meet obligations, and formulating and encouraging the new Sustainable Development Goals (SDGs) (Amnesty International, 2016). SDGs themselves have an intimate connection with human rights, not just in their spirit but in their implementation. In their aim to go beyond Millennium Development

[10] The term 'human rights community' sometimes appears in the literature and is usually used to refer to all actors, institutions and organisations that engage with human rights across the various domains and at all the different levels.

Goals (MDGs) (both socially, economically and politically), they place the commitments of universal human rights at their core (UNGA, 2015).

It must be made obvious that none of these are commitments to equality of outcome, or even significant economic equality, and perhaps it is worth making some clarifications about types of equality here. First, certain commitments to equality, for example in many of the SDGs, are directed towards status equality and are thus concerned with specific discrimination in terms of one's gender, race, ethnicity etc. Preventing this kind of inequality is largely unchallenged and it is at the heart of many of the commitments that talk about equality. It is also an important part of human rights. But this is not what is of primary concern here; this thesis is concerned specifically with wealth inequality and, as mentioned in the introduction, all references to equality and inequality that follow, unless otherwise stated, are made in this vein.

With that said, there is an interesting question at the heart of the debate on wealth inequality: the question of whether it is the inequality itself that is offensive or whether it is rather the fact that, in the face of this inequality, there are some people who live in forms of poverty - and that there are many who die of starvation. Some, like Harry Frankfurt (2015), argue that economic equality does not matter very much and instead making sure everyone has 'enough', rather than that everyone has the same, is what is morally necessary. This side of the argument believes that it is the loss of life and cruel poverty that generates outrage for inequality and that it is this that lies at the heart of the concern over its immorality. However, while the concern for poverty cannot be argued against, it is not the 'be-all and end-all' of inequality. This thesis does not take

the stance that equality of outcome is what is correct or necessary, but it does challenge the idea that inequality is only of concern when associated with poverty. Instead,t inequality itself can be problematic both socially and morally.

Samuel Moyn, in his latest book *Not Enough: Human Rights in an Unequal Society* (2018b), takes a similar stance and he is specifically concerned with the tensions that have become evident between the goals of 'sufficiency' (everyone having enough) and the goals of 'equality' (everyone having the same). For Moyn, a radically in-egalitarian state, and world, is one that is both bound for 'instability and ruin' and an unsustainable and unjust form of organisation (Moyn, 2018b: 220). The literature prior to Moyn on the problems of inequality itself has a long history and the argument that it can be both immoral and dysfunctional has been put forward numerous times. Jacques Rousseau, in both his *Discourse of the Origin of Inequality: 2nd Discourse* and his *The Social Contract*, argued that equality was instrumental: acting to promote citizens' freedoms and forming a key part of human well-being (see Neuhouser, 2013). Although noting that absolute equality and power was too severe a goal and that not all inequality was automatically illegitimate, he did provide important reasoning for equality's relationship to both domination, freedom and happiness (*Ibid.,* 195). The equally famous publication by Adam Smith, *Wealth of Nations,* also postulated the role of domination in inequality in the scenario of a master and worker and, thus, suggested its potential to skew power in relationships (Smith, 1986: 169).

More recently, Thomas Scanlon more recently writes on the value of equality and suggests, in a similar vein to Rousseau, that inequality can result in 'an unacceptable degree of control over the lives of others' (Scanlon, 2003: 205-206). In his most recent work, *Why Does Inequality Matter?* (2018), he relays a number of reasons for favouring equality and objecting to inequality. These objections include discussions around power, control and fairness. For Kelly (2014: 320), regarding the instrumental purpose of the concept, 'constraining socio-economic inequality is an essential aspect of a just scheme of social cooperation and a necessary basis for securing a mutual commitment to the rights, liberties and opportunities that give democracy its substance and meaning.' Moreover, certain research suggests that countries with those suffering most from rising levels of inequality are the most prone to distrust government and to doubt their capacities to influence it (Lascoumes & Bezes 2009 cited in Hall & Lamont, 2013). Other studies have shown how rising levels of economic inequality have been connected to increasing spatial segregation in housing between income and ethnic groups (Préteceille 2009 cited in Hall & Lamont, 2013; Massey & Denton 1994). This can aggravate a number of social problems and may disrupt social harmony.[11] Furthermore, certain economic studies have found evidence of the possible adverse effects of inequality on economic and social progress (Glaeser, Scheinkman & Shleifer, 2003; Alesina & Rodrik, 1994; Persson & Tabellini, 1994).

Finally, it is necessary to add in one mention of neoliberalism as it relates to this debate. A German economist, Streeck (2016), has painted a very dystopian future of the destructiveness of neoliberalism and the inequality in which it will end. This portrayal sits in line with the

[11] For further arguments for and against equality see Anderson (1999).

arguments, mentioned earlier, of Stiglitz (2012) and Piketty (2014) which document similar concerning trends with relation to neoliberalism. Overall, these authors' arguments and the research above show in greater detail why there should be concern with not just poverty but inequality too. As Thompson (1992: 42-43) has asked: '[should] the fabric of a just world order...really be spun out of the cloth of economic self-interest?'.

The argument can then be brought back to human rights. Many of the concerns with inequality, when dealt with using an international and institutionalised human rights framework, revolve around reducing poverty, establishing human dignity for all, protecting the vulnerable and addressing 'freedom from want'. This connection is obvious in, for example, the SDGs (UNGA, 2015). Yet, it is this intimate connection, between sufficiency and human rights, which draws a challenge from Moyn (2018b). At the heart of the discussion is the problematic disregard of the egalitarian intentions of early human rights discourse which have been replaced by a sole focus on (and primary aim of) bringing everyone to a sufficient minimum level of existence. This all-encompassing focus on raising everyone to a certain subsistence level means growing mass inequality across the globe has been neglected by human rights. To reiterate, the aim of reducing poverty is not one to be put aside or challenged. However, if all resources and attention are directed towards this goal then the neglect of growing inequality may have severe consequences in the future. Furthermore, if human rights have such an intimate connection to the goal of reducing poverty but not inequality, then their potential for combatting the causes and the consequences of the latter need to be questioned. If their strategies are insufficient for the specific task of challenging inequality, then the consideration of alternatives needs to be a

priority and the limits of these frameworks need to be made known to those who adopt and uphold them so undoubtedly.[12]

The role of neoliberalism needs to be addressed before turning to research on human rights and their relationship to inequality. This is an important component of the understanding of contemporary inequality as well as the current frameworks of human rights and has already been mentioned in the previous chapter. In Moyn's (2018b) argument, the discourse of human rights is related to the developments of neoliberalism. Throughout the course of tracing the history, Moyn characterises the discourse that encircled human rights, before sufficiency and the neoliberal political economy became so dominant, as a discourse centred around ideas of national welfare, the welfare state, redistribution, and egalitarian ideals. Various circumstances and events, however, including the wildly problematic racist and sexist nature of the welfare state, meant that, by the 21st century, it was human rights inscribed with status equality and goals of sufficiency that emerged as the companion to neoliberalism - the new dominant political economy. In addition, as discussed in the first section of Chapter Two, international human rights and neoliberalism share some similar foundations in the primacy of the individual, and the belief in autonomy and rationality. Thus, the connections between human rights and neoliberalism occur both because of the simultaneous revival of human rights in international discourse and the emergence of neoliberalism after the discrediting of alternative forms of market organisation, and because of certain similarities in foundational assumptions. While not

[12] Moyn (2018b: 220) does suggest that, while arguing that equality should not be dismissed for sufficiency, the two concepts are not necessarily mutually exclusive goals and they can, in fact, be married effectively. This would be an interesting note to keep in mind in future research, particularly when analysing potential alternatives.

directly (or entirely) to blame for its dominant position, human rights have come to stand as the moral counterpart to neoliberal ideology and some authors, like Sally Engle Merry, suggest that contemporary transnational human rights networks have formed a part of a normative and fundamentally neoliberalist vision of modernity (Merry, 2005 cited in Faulke, 2013). One could even go as far as comparing it to the manner in which the human rights discourse is argued to make some international economic intervention 'palatable by couching it in the language of human rights and morality' (Pingeot & Obenland, 2014: 6), as mentioned in the previous chapter.

These connections, between human rights and neoliberalism, form an important part of understanding the relationship between economic inequality and human rights because of the simultaneous connections between neoliberalism and the exacerbation of economic inequality. For Lazzarato (2009: 109), neoliberalism has transformed society into 'an enterprise society based on market, competition, inequality and the privilege of the individual'. Smith (2012) suggests that a number of recent theorists, economic and social, have connected worsening social inequalities and living conditions to neoliberal policies and uses Brazil as an example of her own argument against the framework. Sernau (2010) proposes that the connection lies in the market paradox of its ability to work best in conditions of equality but simultaneously its generation of severe inequality. Documenting the relationship between the international economic order and population health, Navarro (2007: 6) presents a collection of articles that suggest that neoliberalism, along with globalisation, is 'adversely affecting the human development of our population' and included in this are the detrimental effects of poverty, *inequality* and health.

Another collection, edited by Hall and Lamont (2013), documents the multiple effects of neoliberal policies implemented in different parts of the world and suggests that, in both developing and developed countries, the redistribution of opportunity was reflected in rising levels of income inequality and that earning increases at the top were often not matched by those at the bottom. Finally, in a recent report for the International Monetary Fund (IMF), Furceri, Loungani and Ostry (2016) advise that while there is much to cheer in neoliberalism and there can be found certain advantages, some policies have contributed to increasing inequality. With the understanding that there is a connection between neoliberalism and inequality, between neoliberalism and human rights, and between inequality and potential instability and immorality, it brings into question whether human rights frameworks, and the strategies they rely on as introduced in Chapter Two, can adequately address the concerns of growing inequality.

While on the note of the dominance of neoliberalism and its association with human rights, it is probably necessary to note that there are concepts, like the welfare state and social rights, which have accumulated a number of negative associations (which are very difficult to shake). Given that we have already described the characteristics of mainstream human rights discourse (and thus highlighted the power and consequences such associations can have), it is also necessary to mention how some of the key concepts integral to parts of the 'equality' debate have become imbued with certain associations. One such negative link is found between the pursuit of egalitarian outcomes and totalitarian states in the 20th century, such as the Nazi Welfare State and Stalin's 1936 constitution - which included a great number of social rights (Moyn, 2018b: 33-34). Many arguments against any attempt to include egalitarian ideals (or even redistribution)

in the political conversation incorporates some version of the history that created this association. In addition to this, there is the link between early attempts at welfare states and 'gender subordination and horrid racism' (Moyn, 2018b: 213). The exclusions that were rampant within these earlier forms of the welfare state still sometimes find their way into judgement of the system. However, this is not an absolute association.

There are, on the other hand, ardent supporters of welfare state ideals across multiple European countries and in other parts of the world. These particularly emerged in the context after the Second World War, when states and populations had to face the destructive effects of the conflict. The welfare states across Europe experienced much success proceeding from 1945 however, by the 1970s there were increasing concerns and, in 1981, the OECD declared that the welfare state was in crisis (OECD, 1981). Despite this, across Scandinavian welfare states there continued a noticeable trend of support for traditional interventionism (Taylor-Gooby, 1999) and optimistic predictions for the future of the welfare state could be found (Kuhnle, 2000). However, recent economic circumstances have placed new pressure on European welfare states, supporting a strengthening narrative against them and their 'inefficiencies'. The financial crisis of 2008, for example, had negative consequences for all welfare states and, although not initially, the financial crises within these states slowly began to be blamed on the welfare states themselves despite consequences originating from other sources (Kersbergen, 2016). At the same time, with values embodied in the welfare state sometimes referred to being central to European values, certain reports suggest optimism for its future (Begg, Mushövel & Niblett, 2015). Yet, there are still multiple negative associations, particularly across global discourses

that have not dissipated and may in fact be strengthening. These associations have aided in the domination of neoliberalism and continue to impede certain conversations around equality. For these reasons they are important to mention.

For Moyn (2018b), the mainstream understandings and uses of international human rights do not have the tools to address the, now blatant, concerns created by the current neoliberal political economy. This is largely because their tools revolve around 'naming and shaming' political regimes to challenge injustice; a strategy which cannot adequately address inequality. Thus, while not suggesting that human rights are useless, Moyn argues that they are both entirely compatible with gross inequality and that they lack the tools to effectively combat the success of market fundamentalism. In his words, they are merely 'nipping at the heels of the neoliberal giant' (*Ibid.,* 216). However, when it comes to inequality and human rights, there are also a number of authors who contest this diagnosis: that human rights are merely 'bystanders' to a neoliberal regime, that they are compatible with rampant inequality and that there is a 'drastic mismatch' between the egalitarian crisis and human rights remedies.

Many authors demonstrate the instrumental connection between inequality and human rights and, in doing so, suggest the inaccuracy of the statement that human rights are compatible with rampant inequality. Ladman and Larizza (2009) suggest that high levels of income inequality are related to high levels of violation of personal integrity which can then be related back to the freedoms expressed in human rights, specifically with regards to dignity. Hernandez (2016) outlines the argument that dropping levels of unionisation are connected to rising inequality.

Unions have been and continue to be an important part of human rights protection, expression and formulation and thus another potential indirect connection between human rights and inequality is evident. Aguilar and Saiz (2016) show how countries, like Spain, provide examples of growing inequality and simultaneous widening disparities in social rights like housing and health. They also suggest that inequality can contribute to financial crises, conflict and state repression which can then have further implications for human rights protection. Even in referencing the UDHR, as Balakrishnan and Heinz (2015) do, the argument can be made that Article 28, which concerns the 'entitlement to a social and international order in which the rights and freedoms set forth in the declaration can be fully realised', can be connected to inequality. This is because wealth distribution and related political implications are an important dimension of social and international order, especially when considering the arguments presented earlier on the benefits of equality. Furthermore, according to these authors, although they do not explicitly mention economic equality, human rights frameworks have much to say on policies and provisions that give rise to it (such as labour rights, public services and discrimination). In fact, more focus on discrimination (or rather non-discrimination) is mentioned by a number of authors as a connection between rights and inequality and as a possible way to target the crisis (Barrett, 2016; Agular and Saiz, 2016; Albin-Lackey, 2016).

There are also a number of authors who argue that there is not only an instrumental connection but also an intrinsic connection between human rights and inequality. Although this connection is far more controversial and the support sparser, it is still an important side of the argument to note. Fukuda-Parr (2016) challenges economic theories that argue inequality is good for

development and progress and those that suggest that in developed, democratic societies it will be evened out (for which he argues there is a lack of evidence). Instead, he suggests that more coherent arguments for the intrinsic injustice of inequality are what is needed. This can be done by referring to the arguments set forward by Rousseau, Scanlon, Anderson and others that have already been alluded to. Aguilar and Saiz (2016) also suggest that there is a more direct, though not necessarily intrinsic, connection between human rights and inequality found in the International Covenant of Economic, Social and Cultural Rights (ICESCR). It states that government is obliged to dedicate 'maximum available resources' to the progression of economic, social and cultural rights and inequality completely undercuts this. The evidence presented by these authors suggests that there are important threads that tie human rights and economic equality together, both directly and indirectly. These threads would seem to suggest that human rights discourse can, and does, have something to say on inequality. Addressing it and actually combating it, however, are two different tasks. Arguments like that put forward by Moyn (2018b) would suggest that human rights frameworks cannot adequately challenge rising inequality (because of their ineffective tools and their connections to neoliberalism). Yet, similar to the challenges against Moyn's argument about the compatibility of human rights and inequality, some authors believe that human rights can also be a crucial tool in the fight against economic inequality.

These authors see more than just mere connections between inequality and human rights. They also see a collection of frameworks, debates and activists that can do something to combat what certain sectors of society and various individuals have labelled as a crisis. The mere small part

that Moyn sees human rights playing is challenged by these authors who suggest that human rights communities and human rights frameworks have a crucial role to play.

Amongst these, there are a few common themes that come up consistently on how human rights can be used to oppose economic inequality. One is the use of the human rights frameworks, discourse and dialogue, established as it already is, as a vehicle for expressing inequality as an injustice. Thus, for Fukuda-Parr (2015: para. 1), 'it is in articulating equality as a valuable social norm—and inequality as an injustice—that human rights theorists and practitioners can make a vital contribution to these contemporary social and political debates'. Similarly, Aguilar and Saiz (2016) point to the 'discursive power' of human rights. This can be an important strategy especially considering the crucial role that language has been shown to have in politics across literature for decades (Shapiro, 1984; Biletzki, 1997; Joseph, 2006; Wodak & Forchtner, 2018). It is also an important factor when taking into consideration research on what impacts attitudes towards, and policy with regards to, inequality within societies. Traditionally, in a theory deemed 'new growth theory', there has been the argument that the amount of inequality that exists in a society is what generates political attitudes towards it and what determines redistribution policies. The argument suggests that inequality will balance out in the long run because, simplistically, the higher the inequality, the higher the demand for redistribution. This is in turn connected to ideas of the adverse effects of inequality to economic growth in general (Persson & Tabellini, 1992; Alesina & Rodrik, 1994). However, research by Lübker (2007) instead suggests that the argument that demand for redistribution rises with greater inequality is actually rather inaccurate, and that instead, the influence of social justice norms is a far more

important factor. This would suggest just how useful a strong human rights language, purporting equality as a social norm, would be for correcting inequality. Sen (2000) has also pointed to something similar.

Using the dialogue, and 'discursive power' of human rights, then, could change attitudes toward inequality which may have a role in reducing it across societies. International human rights discourse can be powerful because it already has a solid foundation and a legitimate reputation on the global stage, despite concerns. It can be found in and around a number of struggles worldwide that often engage large sections of the population (Landy, 2013)(Smith, 2004)(Gamson, 1992). The term also tends to have an intimate connection with what is understood as 'morally right' and with emotions in general (Goodwin, Jasper & Polletta, 2001). In addition, the connections they can have to universality strengthens their connection to ideas that *should be* norms in the eyes of many people. This means that if human rights could adequately take on and make legitimate concepts of certain economic equality, the discourse could indeed play an important role in pushing societies, and various movements, to pay closer attention to, or even take more active steps in challenging, widening inequality.

However, this potential is problematic for a number of reasons. First, as mentioned in the introduction, human rights discourse is increasingly beset by a seemingly inherent vagueness. This not only limits the usefulness of human rights as a term and makes it more and more difficult to determine what exactly human rights entail. But, it also means that many people may become overwhelmed by the 'inclusiveness' of human rights and as a consequence, ironically,

underwhelmed by the cries of 'human rights' abuses. Baxi (2006: 175), in line with ideas around the 'debasement' of human rights language, suggests '[t]he anonymous mass production of human rights discursivity begins to form itself indeed to a cruel point where human rights production is everyone's business in general but no one's in particular'. The ability to mobilise people to a cause or to meaningfully alter social norms is greatly lessened if the language is increasingly losing either credibility, sympathy, relatability or, more generally, meaning. In other words, the actual usefulness of a framework because of, in part, its saturation, is something that needs to be taken into consideration.

Second, even if this problem of vagueness is overcome, there is still the concern that the power of international human rights as a method of articulating injustice - and rallying action to combat it - may only be effective for certain, 'clear-cut' injustices. For example, as is often the case with the use of abject poverty and starving children in campaigns because vivid and concrete information attracts more attention (Nisbett & Ross 1980) and negative emotions and children tend to generate more powerful responses (Burt & Strongman, 2004). However, if the concern itself is with the overarching (and heavily embedded) structures that create or perpetuate injustice, the 'discursive power' of human rights may not be as obviously effective. Why? Well, the idea that human rights can articulate equality as a social norm and thereby foster its development is, on the face of it, a credible and possibly effective strategy. However, if it is necessary to overcome or replace even more powerful norms (rather to just 'insert' an additional norm without much disruption to the status quo) then this ability of human rights becomes

questionable. Especially if the 'powerful norm' in question is one like those found within neoliberalism (say individualism, market logic or rationality) or even neoliberalism itself.

Despite the work of authors, discussed above, who have tried to show the negative consequences of inequality itself and demonstrate how certain powerful norms perpetuate it, there has yet to be an adequate challenge that combats growing inequality. Fukuda-Parr (2015) suggests human rights' role is in the articulation of equality as valuable and inequality and unjust, and while, in theory, this may be a potential solution, international human rights have yet to adequately do so. Oxfam's most recent report of January 2019, entitled *Public Good or Private Wealth,* shows that in 2018 a mere 26 people owned more than the 3.8 billion people who make up the poorest half of humanity. The question then, is whether or not human rights discourse, language or advocates have anything new or different to add to these arguments that have yet to have global impact. This is doubtful, especially when human rights themselves are already concerned with so many other types of injustice and when the concern around their increasing vagueness is taken into consideration. All of this seems to suggest a bleak picture for the potential of human rights language as the most effective strategy for combating inequality. Even if one takes an optimistic stance, it at the very least demonstrates the various complexities that need to be untangled and assessed in more detail if further diagnosis on the potential of human rights language is to be determined. And, it suggests, that alone, human rights are not enough.

Another argument for the usefulness of human rights in challenging and correcting inequality is found in the work of authors who focus on tax injustice and human rights frameworks. This

potential strategy is most closely related to the 'legal' strategies explored in Chapter Two. It is a more concrete, and essentially tangible, form of taking steps to correct for inequality. The argument most often presented is that the tax system is often skewed or manipulated to sustain, and in fact advance, inequality in societies and that human rights can be used effectively to challenge this. For example, Aguilar and Saiz (2016) show how a constitutional court overturned a tax policy on the basis of human rights arguments. Lusiani (2015) shows how, despite previously being overlooked by human rights advocates, there has been increasing cooperation between tax experts, economists and the human rights community in countries like Brazil, Columbia, India, Argentina and Kenya. In early 2016, there was also the Lima Declaration of Tax Justice and Human Rights which calls for corporate tax to no longer be outside the purview of corporate responsibility. In the same year, there was a roundtable discussion at Columbia University in New York about how business can be 're-engineered' to prioritise human rights (Gneiting, 2016). For Alston (2015), engaging in tax policy needs to be a priority for human rights activists and for Jiménez (2015), greater information needs to be made known about who contributes to public coffers and how.

This focus on targeting tax has been suggested as one example of how international human rights frameworks can be used concretely to immediately address systems and institutions exacerbating income inequality. Like other legal based strategies, it can definitely have an effect. However, it is also a strategy that is very much currently incorporated in the neoliberal system. The connections between neoliberalism and inequality have already been shown and so, in part, this strategy and others rooted within the neoliberal system may, in the long run, be ineffective.

However, this thesis has not yet shown – and nor does it intend to show – a completely irredeemable character to neoliberalism, thereby dismissing all strategies that do not automatically challenge it or making all that work within it is unnecessary. There may indeed be important strides that could be made by such strategies. However, it still needs to be noted that this is a potential limitation to tax correction, and other related strategies. A limitation centred around the possibility that they may treat the symptoms but do little to heal the fundamental illness. To reuse the quote by Jagger (1995:197), what we require is 'a kind of moral thinking that focuses not only on meeting immediate needs but on problematising the structures that create those needs or keep them unfulfilled'. To reiterate, this thesis is trying to unpack, not whether human rights and their frameworks and strategies, have any use at all, but instead whether they are *enough* to adequately deal with certain contemporary challenges.

Some of the authors that argue on the side of international human rights frameworks, mentioned above, are not dismissive of the limitations of these frameworks. For example, Albin-Lackey (2016) suggests such frameworks may not be the most effective or 'widely resonant'. He compares the use of human rights to combat inequality to the use of human rights in fighting corruption or climate change. This is because it is an attempt to use a largely concrete and legal framework to combat a much more vague, disputed and intangible opponent. The opponent being something which we do not have an entirely firm grasp, nor significantly unanimous opinion, on - like inequality, corruption or climate change. This is similar to the concern, previously mentioned, of the effectiveness of human rights discourse only in circumstances where obvious, and even cruel, injustices are occurring - like the starvation of children.

Seabrooke and Wigan (2016) also point out that NGOs (often key players in human rights struggles) are most effective only when they can point to abuses of bodily harm, which is why struggles against inequality (and not simply poverty) may need a different approach. Though, Albin-Lackey still sees an important place for the human rights community, suggesting that many frameworks have a role to play even if it is not always on 'centre stage'. Yet, again, the aim of the thesis is not to suggest that human rights are completely unavailing, but rather that they are inadequate for addressing the key challenges leveled against them by inequality and care (and these admissions by the supporters of human rights only further steadies this claim).

What is obvious is that there is a growing group that is concerned with inequality and its impact in and across societies. This group argues for the need to look at more effective redistributive systems.

*

In this section I have presented Moyn's argument that human rights are compatible with and cannot adequately address mass inequality. Certain authors challenge this, and their arguments about the part that international human rights must play have been recounted. Yet mass inequality is *still* a concern. This suggests that since the 1970s, human rights, despite being the dominant international framework for fighting injustice, have not been able prevent or counteract this inequality. In fact, as mentioned, Oxfam's most recent report of January 2019 shows that in 2018 a mere 26 people owned more than the 3.8 billion people who make up the poorest half of humanity. The gap between rich and poor, at all levels, this continues to widen (Oxfam, 2019).

In addition to this, there are credible limitations that exist in the cases of the various strategies of human rights against inequality, including limitations noted by the authors who argue for the value of human rights. So, even if international human rights and inequality are incompatible and these rights do have some tools to challenge the ever-widening gap, they have not done so effectively, and they may not be the ultimate approach. This thesis presents largely two reasons why this is the case: one, because when addressing socio-economic rights, international human rights are centred around reducing poverty not addressing inequality and, thus, are not necessarily geared towards correcting structural issues and, two, because they do not provide an adequate enough challenge to neoliberalism. These limitations suggest that it is necessary to continue to search for alternatives and to continue to assess whether human rights are really going to be enough in the future.

In an early part of his book, Moyn (2018b: 25) suggests that rampant and rapid urbanisation created 'communities of *strangers*...where no *caretaking* spirit existed'. While the ethics of care does not otherwise enter into his reasoning and is quite absent from the above discussion, the next section will show how many theorists within care ethics are also concerned with the flaws of current international human rights frameworks, as well as with neoliberalism. It provides an alternative angle to the limitations of these two concepts and presents the second challenge to human rights that this thesis will address.

2. Care

This section aims to outline the ethics of care and its challenge to human rights. It begins with a general discussion on the essential components of care ethics, key theorists and the main debates. In a similar way to the concerns around inequality, the ethics of care is a wide-ranging discourse that incorporates the varying views of numerous authors and as such it does not form a single, homogenous critique of human rights. Thus, in the beginning, this section will simply provide a broad understanding of what characteristics are constitutive of the discourse as a whole. After this, the specific elements that create the challenge to human rights frameworks will be addressed. Ultimately, care ethics provides an alternative approach, outside of international human rights, that may have potential for addressing not only the concerns raised by care ethics authors themselves, but also those raised by the range of inequality authors that were discussed in the previous section. This will be further explored in the next chapter.

The ethics of care, or more simply care ethics, has its origins in feminist thought and feminist moral theory, specifically in the early works of Carol Gilligan (1982/1993) and Nel Noddings (1984/2013). Writing on moral development, Gilligan, a student of Kohlberg, argued that the female 'voice' carries with it important contributions to understanding justice, largely as a consequence of a better grasp of care. In critiquing Kohlberg's original, and largely accepted, categorisation of moral development she essentially suggested that the voices of women represent a different, but equal, moral orientation. This approach was met by considerable criticism, including by feminist authors who claimed it simply endorsed structures marginalising

women and further cemented the gender differences that they were fighting to loosen (O'Neill, 1992). However, Gilligan has reiterated that, in the work, the different 'voices' she alludes to are 'characterised not by gender but theme' (Gilligan, 1982/1993: 2). Despite the criticisms, her work on opening the discourse of ethics of care was important. It emphasised an alternative way to understanding moral development and this alternative then developed to inform different understandings in both social and political theories of morality and justice.

Soon after this Nel Noddings (1984) made further inroads into this alternative understanding based on caring. In the same way Scanlon asked the question 'why does inequality matter?' (2018), Nel Noddings starts by asking 'why care about caring?'. And for her, there is something intensely natural about caring - simply that 'as human beings we want to care and be cared for' (Noddings, 1984/2013: 7). Though she does go on to separate between natural and ethical caring. Her work on caring (which informs many of the themes to be discussed below) laid out a wide platform for other theorists to build on, which they have done. More details of these two works will be included in the discussion to follow but this marks the origin of the work on care ethics. With these authors anchoring the tradition, what follows will outline a broad view of the tradition by arranging it into some of the key components, rather than simply reiterating these two authors arguments. Thus, the main themes to be covered are dependency, principles, emotions, femininity and economics.

Before moving onto this, however, it is necessary to briefly lay out the traditional, hegemonic arguments that have comprised, and to a large extent continue to comprise, the linchpin of moral

theory and general understandings of morality (and justice). These revolve largely around Kantian ethics, utilitarianism and Kohlberg's moral development. It is necessary to relay these dominant understandings so as to better ground the outline of the ethics of care that follows.

Immanuel Kant's writing on ethics and morality remains the foundational assumptions upon which rest current dominant moral theory and reasoning. His ideas centre around an understanding of categorical imperatives premised upon normativity, universality, supremacy and necessity (Kant, 1785/1996: 4: 414-440)(Darwell, 2006). These imperatives are essentially the idea that our actions are based on universal moral principles and that they are ends in-and-of themselves because they stem from our moral goodness. In addition to this, he proposes that there are always genuine normative reasons not to violate our moral obligations. In his work, there is an emphasis on an *a priori* system of moral principles that establish moral requirements and duties which are unconditionally necessary (Kant, 1785/1996: 4). Deontology is consistently associated with Kantian ethics. This is because Kant notes that a categorical imperative: 'declares an action to be objectively necessary of itself without reference to any purpose—that is, even without any further end' (*Ibid*., 4: 415). This is generally understood as the need to judge an action as right or wrong based on a primary set of rules or principles rather than on the consequences it has (or against any other standard). The attempt to thus create a common set of principles with which to universally guide action has been the mainstay of much moral reasoning and theory throughout history. This tradition is also tied to the commitment to, and appreciation of, rationality over emotion, based on the idea that emotions bias judgement and that 'fellow-feeling' should not be allowed to threaten rational self-control (Marcus, 2010: 44; Frazer,

2010: 12). These elements become important again a little later in this discussion when outlining the connections between care and empathy. It is these ideas that sit at the centre of a considerable, and forceful, collection of moral theory - which in turn informs our understandings and actions in the political and social world.

At the same time, Kantian ethics has not been the only set of proposals to have immense sway across current literature. Utilitarianism, credited to Jeremy Bentham, has also held considerable prominence in the arena of moral theory. It is a theory that argues, almost in opposition to the deontological suggestions of Kant, that consideration of the consequences are what guide our judgements of right and wrong and, as such, the aim should be, in one way or another, to maximise our combined 'utility' at the end. This is also often referred to as a reliance on consequentialism - the idea that the consequences are what matter (see Rosen, 2003). These initial beliefs sit at the heart of a considerably diverse collection of utilitarian views and make up another large portion of our approach to moral theory.[13] Utilitarianism, however, has a slightly different relationship to the ethics of care. This is because, in part, it stems from early ideas of moral sentimentalism, by Hume and Hutcheson (and earlier, Shaftesbury), in which care itself has firm roots. Benevolence and care are both sentiments considered by these early authors as crucial elements to moral theory and both an ethics of care and moral sentimentalism emphasise the importance of 'morality based in feeling, or in motives that involve feeling, rather than in reason or rational principles' (Slote in Copp, 2006: 225). Utilitarianism also finds its roots

[13] There are also multiple authors who take neither extreme view and instead try to find a middle ground, which includes conclusions from both traditions. This can be found, for example, in the work of Sen (1982) and in his early idea of an alternative 'goal-rights system'.

intermingled with moral sentimentalism, specifically in Hume. Bentham even suggested that it was in reading Hume that he developed some of the ideas central to act utilitarianism (*Ibid.)*. Despite some significant divergences, both the theories' positions to morals are similar in seeing human goods in terms of pleasure and in seeing virtue partly defined by attainment of, or desire to produce, good consequences for humans (*Ibid*., 224). The connections, then, between ethics of care and utilitarianism are slightly muddied, and in certain senses they may not be as oppositional to each other as other dominant modes of thinking about morality. However, the essence of both moral sentimentalism, and thus ethics of care, is lost in contemporary utilitarian theory and the key tenets of the approach do not appear.

An important part of most dominant theories in morality is the respect of individuals. Respect for persons is strongly grounded in Kant's moral theory which argues that, in respecting due worth to each person, one must '[a]ct in such a way that you treat humanity, whether in your own person or the person of any other, never simply as a means but always at the same time as an end' (Kant, 1785/1996: 4: 429). Utilitarian authors also argue that consequentialist theory can accommodate respect for persons (Downie & Telfer, 1969; Gruzalski, 1982; Cummiskey, 2008). In fact, they argue that it may do so even better than any theory that relies on Kantian assumptions (Pettit, 1989). Respect for persons, and more specifically respect for individual rights, continues to be a mainstay of dominant understandings of morality and justice (see, for example, Rawls, 1999; Barry, 1989 and Ryan, 1993).[14]

[14] Although ideas around justice are largely inseparable from the broad discussions of human rights, moral theory, an ethics of care and inequality, this thesis does not directly tackle debates of justice. The concept does, of course, play its role in the argument, and this is noted in a section in Chapter Four. However, given the scope of the thesis,

With regard to Kohlberg's moral stages of development, in the late 1950s, Lawrence Kohlberg, following on from the work of Piaget, developed three levels regarding human moral development (Kohlberg, 1981; Gibbs, 2014). For him, the primary concern with this process of development was justice and it was analysis of the justifications that various individuals gave for approaching a scenario in a specific way that informed his conclusions on six specific stages. These six stages are grouped into the three levels: pre-conventional, conventional and post-conventional morality. Importantly the stages culminate in the 'Universal Principles of Ethics' which is consistent with the Kantian philosophical view of moral reasoning. That is, they are based on universal ethical principles grounded in justice and categorically applicable in an absolute manner (Gibbs, 2014). Although multiple criticisms from a variety of perspectives have been leveled against the model, it still stands as a considerably dominant understanding of moral development and thus demonstrates the continued reliance on the absolute and universal guiding principles which are believed to be the final purpose of the development.

Though only outlined briefly here, these are the key components of the dominant understandings in moral theory throughout the years and they provide important context to the discussion on the central components of the ethics of care that are to follow. Comparisons and contrasts will be easier to draw with this basic understanding in place. As noted, the main themes to be covered next are relations, principles, emotions, femininity and economics.

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justice is included only briefly and with regards to how it will factor into future research and extensions of the argument presented here.

The relational aspect of the ethics of care is one of the most important elements of the discourse as a whole. It is the idea that is largely consistent throughout all theorising on the ethics of care and it underpins the critique of traditional moral theory, which it is argued lacks a consideration of the relational condition of human existence. As Gilligan (1982/1993: 62) initially put it: 'the ideal of care is...an activity of relationship, of seeing and responding to need, taking care of the world by sustaining the web of connection so that no one is left alone.' This is reiterated throughout work on the tradition from Noddings (1984/2013: xiii) - 'persons as individuals are formed in relation' - to Tronto (2013: xv) - 'Humans begin and end their lives depending upon others for care; in between those times we never cease being engaged in relationships of care with others'. Held (2006a: 10-11) shows how the ethics of care 'typically appreciates the emotions and relational capabilities that enable morally concerned persons in actual interpersonal contexts to understand what would be best'. And, Slote (2007: 67) takes the relational component and tries to better integrate it with ideas of respect in order to enter into conversation with the Kantian position of respect for autonomy. Across these and other works, relational understanding is a cornerstone of care ethics and it is from this basis of understanding that these theorists argue our moral reasoning should progress.

Central to the emphasis on the relational character of people's lives is the dependency of individuals on one another. In essence, the idea of care stems directly from the practice of caregiving provided to those in need, like children, the elderly and the sick. But, as Tronto (2013) suggests, dependency is not limited only to these circumstances. Instead, the dependency of individuals to one another, and interdependence across societies, is a central part of life and it

is a factor that informs action, motivation and morality. In this sense, the key tenet of care theory is the need to recognise the dependence of individuals, rather than cater to the vision of entirely autonomous, independent agents as dominant moral theory tends to do (Held, 2006a: 10; Noddings, 1984/2013: 48-49; Tronto, 2013: 94; Robinson, 1999: 7). The common point made by all care authors is that 'dependence marks the human condition from birth until death' and if we do not recognise this then we will never create an adequate theory of morality (Tronto, 2013: 94). It must be made clear, however, that this should not result in an equating of the ethics of care to simply 'caregiving' (Noddings, 1984/2013: xiv). Similarly, one should not equate all 'care' as good or necessary. This would be misleading as it may conceal certain injustices such as those expressed in Narayan's account of British colonialism in India, where the narrative of explanation used was a discourse of care (Narayan, 1995 cited in Tronto, 2013).

It must also be made clear that the argument of this thesis, using the discourse of care, is not arguing for an eradication of the individual, nor for the discard of ideas of autonomy. Instead, it is an argument to take into account the relational foundation upon which, and through which, individuals develop and the dependency essential to all individuals' lives. With this as a *starting* point, the flaws of various dominant theories of morality and political society can begin to be corrected and an alternative moral reasoning can be established.

Returning to the main aspects of care ethics, dependency is closely related to vulnerability; a concept which also forms a necessary part of the theory. For Goodin (1985), vulnerability is the primary source of obligation and this is something that is not properly taken into consideration

within the contractualist approaches of the dominant theories described above. Similarly, Kittay (1997, 1999) follows this line of critique, although her terms of dependency and vulnerability tend to overlap, something that Fineman (2008: 9) disagrees with. Of course, there is a connection between the two concepts in that vulnerability contributes to our inevitable dependence on one another. At the same time Fineman (2008) contends that although 'both are universal, only vulnerability is constant, while inevitable dependency is episodic, sporadic, and largely developmental in nature'. Dodds (2014: 182-184), who sees dependence as one form of vulnerability, also provides a detailed examination of the relationship between the two concepts. Ultimately though, vulnerability in alignment with dependency makes important contributions to an ethics of care and plays a part in the development of the theory. This is not to suggest that no one, anywhere, can every really be autonomous at all. It is rather to recognise that autonomy and independence is not the single defining characteristic if individuals' experience. In the same way that rationality is not. For example, for Dodds (2014: 185), the development of 'autonomy competence' in children is 'fostered through relationships of trust, respect, and recognition [and] thus...is affected by the presence or absence of competent, ongoing, and personal care'. But even once achieved, this capacity for autonomy should not imply that beyond childhood, humans are predominantly freed from their dependency and their reliance on relations.

Another point that is consistently emphasised throughout work on care ethics is the rejection of, or refusal to reduce justice to, the implementation of a single, predetermined set of moral standards (Tronto, 2013: 30; Robinson, 1999: 38-39; Held, 2006a: 11). Care ethics is sceptical of the dominant Kantian understanding of ethics and many theorists in the tradition take aim at:

the attempts to construct principles which determine all 'right' and 'wrong'; the binary of cosmopolitan versus communitarian; and the fixation with justice-thinking (see, for example Robinson, 1999).[15] For the most part, care ethicists are concerned with the feasibility of abstracting universal rules from a set of predetermined moral principles. For Robinson (1999), the concerns typified by the dominant systems of moral reasoning centre around the theme of conflict resolution to which an abstract set of moral principles can more easily be applied. However, the ethics of care, as Clement (1996) tries to make clear, has a focus on conflict prevention and the 'creation of a society in which certain types of conflict can no longer occur' (Robinson, 1999: 29). Using, what Noddings (2013: 8) calls, 'mathematical thinking' to create the language of ethics is, thus, considered a mistake by care theorists.

This critique of creating a blueprint of 'right' and 'wrong' - a full ethical roadmap - from which to then judge or organise all human society is not uncommon. Geuss (2010) criticises an 'ethics-first' approach and argues for a starting point, similar to Robinson, that is based on concrete realities. Campbell and Shapiro (1999: viii) further critique the assumption that you can separate normative concerns from empirical theory because, then, ethics goes on to obscure the 'contingencies and complexities of the ethical'. For Robinson (1999: 84), the construction of an abstract set of universally applicable principles too quickly makes the assumption that, globally, we are dealing with a 'universal community of humankind' and a 'seamless' convergence of core values. In contrast to the 'ethics-first' approach, care theorists argue that, in order to create a

[15] Though that being said, there has been more recent attempts to pair Kantian ethics with a feminist ethics of care (see Miller, 2012).

sustainable and functioning society, a theory of morality should start from a relational ontology that recognises the real, concrete individuals that operate and exist within very contextual spaces.

The next important dimension in the ethics of care revolves around ideas of empathy, sympathy and emotion. As mentioned, Kant and the dominant deliberations on moral theory are specific about the need to work outside of, or exclude, emotions and instead make rationality the basis of thought, action and motivation. This belief, that reason must be protected and that emotion is not suitable for public purposes, has been echoed from the beginning of many philosophical debates on the concepts. Stoicism purported the need for impassivity and indifference to emotion and the Enlightenment-era rationalist argued that although 'the passions are not to be banished from the psychic regime, [they must be made to] obey their superiors, and keep to their proper place' (Frazer, 2010: 7). Many influential theorists throughout the years have offered similarly negative pictures of emotions. For example, Jürgen Habermas (1979, 1984) suggests that emotions undermine rationality and that public policy should be determined solely by rational deliberation within the public; Thomas Hobbes argues that emotions make us selfish and that they cause us to pursue private rather than public goods (Frazer, 2010: 20); and Hannah Arendt argues that compassion in the political sphere becomes pity which is directed at whole groups and not individuals (and thus the individual is lost). John Rawl's too has a similar concern (Frazier, 2010: 89). In other words, it is often-assumed that reason should be the basis of our decisions and our political action and further, that reason must control our emotions.

However, these early works, including Kant, also operated under the assumptions of an almost strict binary between emotion and reason. This binary has increasingly been questioned in recent work - specifically in political psychology (see Neuman et al., 2007; Redlawsk et al., 2007; Damasio,1994, 1999; Spezio and Adolfs, 2007). This body of literature is immense and varied and largely irrelevant to this specific point, but it does show the change in understandings of emotion and rationality since the time of Kant. Despite this, even today, amidst the growing recognition of the more complex relationship between emotion and reason, there is still an overwhelming criticism of 'involving' them in politics. For example, over the last half-century many authors have argued that it is emotion and passions that drive public decisions rather than 'thoughtful public deliberation' and that politics has become about *manufacturing* public support through appeals to emotions, rather than by engaging in proper discussion and judgement (Berelson, Lazarsfeld & McPhee, 1954; Campbell et. al., 1960; Neuman, 1986; Ginsberg, 1986). According to these authors, it is this that has caused the poor state of political society, where people are ill-informed, unengaged and irrational. The influence of rational thinking, thus, continues to be dominant across disciplines and particularly in moral and political theory.

With that said, the word 'care' often comes with the assumption of a more emotional orientation and it is true that the ethics of care does link to, and deal with, a number of 'emotional' concepts like empathy and sympathy (see, for example, Slote, 2007). However, they are not all the same thing and the 'emotional' dimension of the ethics of care does need some specific clarification. Robinson (1999), for example, tries to make clear that care ethics is not just, if at all, about how much better the world would be if everyone 'cared' a little more; it is much more complex than

that. Despite this, one major critique often leveled against the inclusion of an ethics of care in global politics - or the use of it as some kind of basis for general political society - is that an emphasis on care is often associated with close, personal relationships and, hence, the emotional attachments associated with these (Barry, 1995; Mendus, 2015). Thereby its ability to aid in organising larger societies of relative strangers, and increasingly global societies, is limited. Specifically, for Barry (1995), the ethics of care would be more an invitation to dispense with morality and replace it with nepotism, favouritism and injustice. Similarly, Phillips (1991: 147) suggests that 'compassion cannot substitute for the impartiality of justice and equality, for compassion is potentially limited to those we can understand - and hence those who are most like ourselves'. This runs parallel to the understanding that the inclusion of emotions in political structures and foundations is inappropriate if one wants to maintain the level of impartiality that is required for larger societies. While not disagreeing with the importance of care within societies, these critical authors argue, in a similar vein to the debate on emotion above, that care has a proper place and that this place is within the 'private' realm of social life; any attempts to extend it are improper and, possibly, destructive.

However, authors across the care tradition would in turn argue that these conclusions come by way of a misunderstanding of the ethics of care. Although advocates of the tradition value rather than reject emotion, this does not mean that they place all reliance on the ability of raw emotions to guide moral reasoning. As Virginia Held (2006b: 539) says:

> The emotions that are typically considered and rejected in rationalistic moral theories are the egoistic feelings that undermine universal moral norms, the favouritism that interferes with

> impartiality, and the aggressive and vengeful impulses for which morality is to provide restraints. The ethics of care, in contrast, typically appreciates the emotions and relational capabilities that enable morally concerned persons in actual interpersonal contexts to understand what would be best. [However, since]...even the helpful emotions can often become misguided or worse, as when excessive empathy with others leads to a wrongful degree of self-denial or when benevolent concern crosses over into controlling domination, we need an *ethics* of care, not just care itself. The various aspects and expressions of care and caring relations need to be subjected to moral scrutiny and *evaluated*, not just observed and described.

This emphasis on an *ethics* of care, rather than just care itself, is crucial. A distinction that needs to be made in a similar way to how we differentiated between the ideas of care and caregiving. Despite there being this distinction in care ethics, however, there is also the need still to recognise and cultivate important emotions like empathy and responsiveness amongst others (Baier, 1994; Held, 1993; Meyers, 1994; Walker, 1998).

Underlying the arguments for emotional consideration is an immense section of literature that covers moral sentimentalism, empathy and sympathy. In a sense, arguments for the inclusion of moral sentimentalism, found in the work of authors like Slote (2006), run parallel to the debate on the inclusion of care. Recent psychological studies have suggested empirical evidence that places empathy as a crucial part of the development of genuinely altruistic, caring motivation (Slote, 2006: 227-228). Now empathy and sympathy are important elements to both ideas within caring and moral sentimentalism and are, importantly, emotional concepts. Briefly, empathy is 'feeling someone's pain' where sympathy is feeling *for* someone's pain (Slote, 2006: 227). This extends into a much more complicated conversation than is able to be had here but recognising

their relevance to both the roots of ethics of care, and in part ethics of care itself, is important for understanding part of the emotional dimension of the theory and its connection to moral sentimentalism. These elements play into discussions both in remaining parts of this chapter and in the next chapter.

The next consistent, and perhaps even controversial, commonality is the 'femininity' of the ethics of care. As earlier stated, one of the first objections to Gilligan's (1982) foundational work on the tradition came from other feminist authors who argued that it worked against their attempts to change perceptions of gender differences. There was some general scepticism as well as the belief that by arguing that a woman's perspective held an alternative understanding of morality centred around care, Gilligan was setting back the feminist movement and providing further ammunition for the marginalisation of women to the private realm (O'Neill, 1992: 55; Tronto, 1993: 61; Hoagland, 1991: 247). From another perspective, the emphasis on a *women's* moral understanding or a *feminine* approach to ethics also comes up against considerable criticism because of its limiting effect. As Noddings (1984/2013) reflects in the preface to the 2013 edition of her original 1984 work, the use of this descriptive word had almost no positive reaction because people felt it limited the ideas to a specific audience. Specifically, it meant that men felt uncomfortable engaging with it. While this is why Noddings alters the title of the latest edition to 'A *Relational* Approach to Ethics' she still makes clear that, while not wishing to exclude or limit, the centrality of the 'women's experience' to the establishment and continued discourse of the ethics of care should not be forgotten. Yet, the association of care ethics with feminist ethics could still be seen as limiting, causing a hesitancy towards the ideas without a

proper analysis of them. This dismissal is still a threat to the discourse and perhaps something that will have to be kept in mind in future research.

All of these characteristics are the main, and most consistent, elements across the ethics of care literature. Along with their comparison to current dominant moral theory, the above is, thus, an important contextual background to understanding the application of an ethics of care to a critique of human rights.

Before moving onto that, there is one more point that needs to be addressed. While not a central focus of care ethics in general, economic considerations appear in a number of discussions within the discourse. For some theorists, this is in challenging the way care has previously been described - as gendered and private - and, as a consequence, the devaluing of care in society (Ruddick, 1995; Held, 2006a; Kittay, 1999). Some research is also geared towards investigating the nature of care work and how it operates in contemporary spaces. For example, certain studies relate the way in which care work in certain high-income countries is now increasingly delegated to migrant workers (often women of colour) (Sassen, 2000). More generally, Tronto (2013) argues that while markets themselves are not categorically inappropriate, the 'nature of the market' is often at odds with the 'nature of care' in a way that can have negative consequences. For her, because of neoliberalism, economic language has increasingly replaced all political language and the assumption is either that care belongs solely within the private realm or that it is taken to be a 'good' in need of being distributed alongside all other goods. And this is easily done by market forces. However, her argument shows that caring does not

respond to these market forces in the way that other commodities may. For example, because of the emotional attachment that is often associated with care work, the 'rational' decisions and motivations regarding such a commodity are far less predictable (or rational). In other words, where the 'invisible hand of the market' sees rational decisions dictating labour demand and supply, emotional attachments to work may throw off these assumptions. In support of this, other authors show how care work has a 'cost-benefit' that goes beyond merely transaction costs (Albeldo, Duffy & Folbre, 2009; Folbre, 2001). This addresses some of the associations between caring and the market and shows the way in which neoliberalism enters into the conversation of care ethics. It will have consequences for developing an approach to the concerns of human rights and inequality in later discussions.

With this description of the ethics of care and the main arguments at play, it is now necessary to locate this in the debate on human rights. Some care ethicists have given certain attention to human rights themselves (see Held, 2015 and Robinson, 2011), and these will be mentioned where necessary. Yet, the principles of an ethics of care themselves can also be applied in general to the discourse and strategies of international human rights (a rights-based ethics) that have been discussed in the previous chapter.

As shown, an ethics of care puts emphasis on how individuals perceive the world from *within* social relationships and act, or are motivated to act, based largely on these networks. Furthermore, the element of dependency is a corner of the theory and an individual's dependence on 'webs of relations' is fundamental, not only to private life but also to concepts of morality,

justice and wider social organisation. Because of this component the theory is automatically set in opposition to the 'individual' nature with which human rights are regarded and composed. Even in cases where the rights in question are aimed at the understanding of groups and not just individuals, for example in the case of minorities, the language still reduces the heart of the concern to an individual level. Thus, in Article 27 of the International Covenant on Civil and Political Rights (ICCPR), which is addressed towards concerns of minority groups, it states: '[in] those states in which ethnic, religious or linguistic minorities exist, *persons* belonging to such minorities shall not be denied the right…[emphasis added]' (ICCPR, 1966). This general characteristic leaves the essential individual nature with which international human rights are inscribed disjointed from the fundamental tenets of care ethics.

In addition to this, there is a concern with human rights additionally *encouraging* individual self-interest. For example, in the same year that the Human Rights Act was passed in the UK in 1998, the former Archbishop of York gave a lecture in which he argued that:

> The indiscriminate use of the concept of rights can undermine morality at its very core by focusing attention on what the world owes us, rather than on the network of mutual obligations and shared assumptions which compose the fabric of a healthy society.

This concern is not new and is echoed throughout the literature critiquing human rights and rights in general, embodied by Karl Marx in his 'egoistic' characterisation of the concept (Waldron, 1987). Additionally, the idea of focusing on facilitating a healthy society, and not excessively focusing on individual rights claims, could be related to the argument to attend to

conflict prevention rather than only conflict resolution mentioned earlier (Clement, 1996, cited in Robinson, 1999: 29).

With regard to dependency, the foundations and frameworks of international human rights would seem to neglect what care ethicists suggest is a vital feature of human existence. This is because human rights exist largely on the basis of the understanding of individuals as autonomous, independent agents as shown in the previous chapter. Debates around exactly what entitles people to such 'human' rights often revolve around ideas of autonomy and agency (see, for example, Gewirth, 1985; Griffin, 2008). This would suggest that human rights frameworks can only go so far in addressing the concerns raised by ethics of care authors. Although specific strategies of human rights movements have not been mentioned here, if the very foundational aspects of the concept clash with those of care ethics, then both approaches cannot act as the *starting point* for considerations of moral theory. Thus, while human rights could complement care ethics in certain circumstances (to which few authors disagree), they cannot both be the starting point of moral reasoning and - importantly - human rights alone are, therefore, not enough. Combined with the arguments of the limitations of human rights, this then makes international human rights major dominance a concern.

With that said, it should be noted that the ethics of care does not outright reject a framework of rights. For Robinson (1999), even though not all goods of moral significance can be 'claimed', she does suggest that it is not about discarding rights. Rather, what becomes necessary is locating rights within relationships. Relational morality should encourage interdependence

through creation of self-esteem and mutual respect and it is necessary to know 'how' we might learn to care rather than just 'why' we should (*Ibid.,* 25-26). In this way, the focus of society and ethics becomes more than just conflict resolution and the judgement of competing claims - it becomes about the creation of a society in which certain kinds of conflict no longer occur (conflict prevention). This, however, does not necessarily work against the argument being made in this thesis because it is not the outright rejection of human rights that is in question, but rather the concern over whether they are enough.

As is obvious, from previous discussions in this chapter and the last, the universal nature of human rights - as understood by the dominant international moral theory - also comes up against problems when taking a care ethics approach. In some ways, human rights are almost the ultimate expression of an absolute and universal set of moral principles from which stem moral requirements, as envisaged by Kant. This means they would automatically be placed in contrast with the main ideas expressed by care ethics theories which place into question the imposition of a blueprint of absolute moral principles. In a similar way to the foundations premised on the primacy of the individual, this universal characteristic of international human rights is, thus, similarly at odds with arguments within an ethics of care. This marks another disjuncture between these two moral traditions.

With the mention of the emotional dimension of the ethics of care already described, the relationship between emotions and human rights is also important to address. As already shown, it is from a legal-rational framework, which grounded mainstream foundations of political

society, that international human rights largely stem. Despite, in their origins, often being associated with the outpouring of emotion that emanated from the global powers after the Second World War and from numerous emotional speeches and commitments, human *rights* still find their essential components created by, and enacted through, a legal-rational framework. As such their relationship to emotions is complex. This connection has been addressed by numerous authors outside care ethics. Taylor (1999:130), for example, suggests that 'too exclusive a focus on rights...neglects the crucial importance of political trust' upon which 'free societies vitally depend'. Osiatyński (2009:197) talks about societies access to unlimited 'human' resources that are practically irrelevant to 'rights talk' and are often neglected by politics despite their importance to human interaction. These 'resources' includes concepts like friendship, mutual help, compassion and love. Even earlier, Joel Feinberg, who initially drew attention to the connection between the action of claiming rights and human dignity, has suggested that being truly human entails 'to release, waive or surrender' those same rights (Feinberg, 1978 cited in Osiatyński, 2009: 209). Thus, in Osiatyński's (2009: 208) words, for Feinberg,

> ...if we were always to enforce all our rights and could never waive them, the world would be an inhuman place, devoid of love, compassion, giving, and forgiveness. No bonds would form on the basis of trust. There would be no affection at all.

This is linked to the critique, which is in different forms the main subject of this thesis: of recognising the importance of ideas of human rights while simultaneously determining whether an 'undifferentiated language of rights is really the best way to address the astonishing variety of injustices and forms of suffering that exist in the world' (Glendon, 1991: 5-6). For Waldron

(1988: 647), rights are there for us to 'fall back on' when personal bonds fail. Again, this can be connected back to the attempt by certain care ethicists to switch attention from conflict resolution - for which rights may indeed be necessary - to conflict prevention. Though human rights may seem to move in the direction of conflict prevention, by creating a precedent for a world founded on equal respect and dignity and by normalising this type of existence, they still do not quite allow for the level of reflection on relations and dependency that would be required to adequately promote conflict prevention.

Now I would suggest that many people may argue - especially on the side of human rights activism - that human rights do have an emotional aspect. After all it is often emotive adverts and ad campaigns that are used to motivate people to endorse this set of rights, to act to fulfil them, and to pressure the appropriate bodies to take action (see, for example, the collection of the most powerful human rights ad campaigns by AdForum).[16] There is, then, a connection, in some way, between human rights and the emotional commitment people feel to relieving the suffering of others or, more simply, between human rights and emotional appeals. However, there are two things that need to be said: one is that the commitments to, and belief in, human rights often relate to an understanding of justice. While people can feel passionate about justice, and while justice can indeed invoke considerable emotional feelings, it is not the same thing. Secondly, the offshoots of emotion that can be associated with human rights (and with causes of justice) are not theoretically similar to the use of emotion and feeling to *found* a framework through which society then operates. Although this may not be an error that is often made in theoretical work, it

[16] Available at: https://www.adforum.com/creative-work/best-of/10449/most-powerful-ads-for-human-rights/play#34541781

is perhaps a common practical understanding that needs to be clarified. Even if recognising the emotional conditions that human rights may often be associated with, the main characteristics of international human rights and - importantly - the main strategies of these rights are based in legal-rational frameworks.

The next discussion on human rights and care ties in the ideas of power. A rights-based ethics assumes that correct implementation of human rights allows the needy and dispossessed an important and stable source of power that can be accessed - equally - through objective legal institutions.; something concrete that can be used to ensure their treatment and outcomes are never the consequence of discrimination, unfair practice or forceful oppression. The means to their empowerment is enshrined in progressive law and a tool which can, in theory, be wielded by anyone, anywhere. However, this understanding of power - and empowerment - misses some crucial considerations that an ethics of care would argue misleads belief about their effectiveness. First, the traditional approach tells us little about whether they are truly able to exercise those rights (O'Neill, 1986 in Robinson, 1999: 49; Sen, 2009; Hamilton, 2003). Second, it overlooks how much of their circumstance and motivation may be due, not to their having rights, or even their ability to exercise them, but to their dependence within a network of relations (and not simply due to a lifetime of independent and autonomous choices and action). This is the concern leveled by an ethics of care. Without adequate attention to this dynamic, our entire assessment of the empowering potential of human rights is skewed. And because of this, while their progressive success is not removed, their ability to act as a foundation of society, rather than a later component, is flawed.

Finally, in the words of Virginia Held (2015: 637, 641):

> One can and should agree with human rights theorists, and cosmopolitan justice theorists, that every person has a human right to the basic necessities that they need to live and to be an agent. But this is still a statement of a moral ideal. In the world as it is, this right is not being assured to vast numbers of persons, or even addressed at a reasonable level of effectiveness even by those who recognise the validity of the claims that all have such rights...social bonds are needed to hold the foundations of law and political institutions together.

With this said then, there are a number of important shortcomings with international human rights that become evident when the economic and care perspective are taken into consideration. It is necessary to recognise that the crucial commonality between these two perspectives is the critique of the fundamentals that underlie human rights, making the concept inadequate for future challenges even if it is capable in multiple other specific scenarios. This thesis takes the position that these future challenges are vital to pay attention to and address.

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This chapter has provided a detailed account of the discourses of inequality and care with specific references to how the main tenets of each discourse present a challenge to the current international human rights frameworks. This suggests that there are a number of flaws within understandings of human rights that mean that the concept is not enough to challenge the existing power dynamics and hegemonic understandings of morality that allow inequality to continue to grow and that keep relational and emotional understandings side-lined or excluded.

Although in many ways human rights exist as a critique of various existing power dynamics, and specifically unjust organisations of social and political life, they do not adequately answer for these two specific challenges. Taking this conclusion, the next chapter places the discourses of care and inequality side by side to determine if there are any possibilities for insights through comparison.

Four: Insights from the Critiques: Towards an Alternative?

The previous chapter discussed two critiques that challenge human rights both with regard to their foundational assumptions and with regard to their tools and strategies for specific moral crises. This chapter aims to take the various points made and determine if the discussions of the general concerns can provide any insights for one another. In other words, does looking at the arguments of inequality and care together shed any light on the problems and potentials of both traditions and, in general, how do these two critiques interact.

1. Power and Vulnerability

One way in which we may begin to see some connection between the critiques, and develop some possible insights, is by returning to the question of power. This was discussed in the second chapter with regards to human rights. It is always necessary to understand the impact different concepts have on power dynamics and the networks of power that simultaneously exist within the concepts themselves. With regard to inequality and care, there are various dynamics at play concerning power. On one level, both sets of authors are concerned with underlying structures and established traditions - which can carry with them a very specific distribution of power. For both, it is the reliance on these that is problematic for addressing their separate concerns: inequality on one hand and the relational reality of individuals lives on the other. At the same time, these structures and traditions may be said to, in turn, create and sustain a certain

collection of power dynamics - for example those outlined in Chapter Two with regards to a 'Western' conception of values, the capability of actually exercising rights and the 'depoliticisation' of tools then used to further particular political agendas. In multiple ways, this question of how power operates in and through concepts is an important part of the puzzle.

I want to relate this question of power to the concept of vulnerability. In doing this, there may be parts of the discussion of power that I do not cover (even parts that I have mentioned in previous chapters), but in order to make the discussion easy to follow I want to start by selecting only a few of the relevant parts. To do this, the following will start with inequality and then bring in the input of a care perspective. It may be helpful to reiterate a few of the points made in the inequality section of Chapter Three before situating them in a discourse of power.

Amongst other authors, Rousseau, Smith and Scanlon make mention of the effects of inequality in society (and in relationships). Thus, for Rousseau, in both his *Discourse of the Origin of Inequality: 2nd Discourse* and his *The Social Contract*, equality is instrumental in promoting citizens' freedoms and forming a key part of human well-being (see Neuhouser, 2013). Adam Smith postulates the role of domination in inequality in the scenario of a master and worker and, thus, how it has the potential to skew power in relationships (Smith, 1986: 169). Lastly, Scanlon writes on the value of equality and suggests, in a similar vein to Rousseau, that inequality can result in 'an unacceptable degree of control over the lives of others' (Scanlon, 2003: 205-206). These points emphasise connections between inequality and a certain type of power. Suggesting by and large that inequality can skew an individual's power in relation to a fellow member of

society and in doing so affect the way in which these two individuals interact. More specifically, adding a limitation of sorts to the way in which one of the individuals is able to act. This situates inequality in a power discourse but, taking the same arguments, inequality here could be also expressed in terms of vulnerability. This is because, being in a position of inequality as per another person opens up an additional set of vulnerabilities related to the power that comes from being in a dominant or subservient position.

Again, this thesis is not arguing for radical and complete equality and it recognises that hierarchies of a variety of type may create vulnerabilities but still be a part of a healthy, functional society. Thus, to borrow Dodds (2014) words, various circumstances or social organisations may not necessarily result in 'pathogenic vulnerability'. Nonetheless, widespread and *radical* inequality is not the same as any inequality at all. The severe consequences for freedom, agency, happiness and, by association, a healthy society that follows from extreme (and ever-extending) inequality needs to be taken seriously and may be considered just such a *pathogenic* vulnerability. Putting it in terms of vulnerability is important for two reasons: one, it can be more easily associated with the language and discourse of both care and international human rights which are often seen to deal with key human vulnerabilities. And two, a discussion of power dynamics, or power itself, often quickly becomes complex and difficult to disentangle; bringing in an exhaustive amount of literature that can be abstract and dense (even if brilliant). Vulnerability, of course, has a connection to power. And it is this connection that allows us to express inequality, situated in the discourse of power above, to also be expressed in terms of

vulnerability. But from this point in the discussion, vulnerability is the terminology that will be used.

If a connection between pathogenic vulnerability and radical inequality can be made, then to bring it back to the main thesis of the dissertation, are human rights adequate to deal with this vulnerability? If, as Chapter Three suggests, there are problems with the international human rights tools capability for addressing radical inequality then the obvious answer would be, perhaps not. If human rights cannot address radical inequality then it similarly cannot provide an answer for mitigating the specific vulnerability that arises from such a context. Taking this as a conclusion (while recognising that it still needs further detailing and evidence), it may then be useful to suggest that borrowing a concept from the ethics of care can provide an alternative approach to looking at the problem. This alternative approach requires taking more seriously the care ethicists' ideas of relational and dependent human existence and could work to disrupt or change the dynamics that may neglect certain vulnerabilities arising from circumstances of radical inequality. To once more draw upon Jaggar's words, what we need to establish is 'a kind of moral thinking that focuses not only on meeting immediate needs but on problematising the structures that create those needs or keep them unfulfilled' (Jaggar, 1995: 197). In this sense, starting with a relational ontology rather than one based on completely individual, autonomous and independent agents may provide another reason for the injustice of such inequality and may inform an approach that can be used to mitigate it. Thus, changing the *starting point* perspective from which one sees inequality in society may alter the attention and reaction to its consequences.

One example of providing legitimacy to an alternative starting point, although with a much more long-term orientation, is through the education and learning aspects addressed by numerous proponents of an ethics of care. But for the meantime, the understandings, and language, within the ethics of care can help better express the argument for inequality as a real, serious and pathogenic vulnerability. One potential is explained in the next section on empathy but, before that, another concept that could be useful is 'relational autonomy'. This is a concept that can be found both within the discourse of care ethics and outside of it and there are a number of authors across disciplines that write on the concept of relational autonomy like Meyers (1989), Mackenzie and Stoljar (2000), Walter and Ross (2014) and Dodds (2014). It is a concept that attempts to navigate a middle ground between radical arguments with either an individual or a relational basis. In the words of Dodds (2014: 197):

> While autonomy has traditionally been understood in terms of the choices of an independent, self-determining individual, relational approaches to autonomy reject the emphasis on individual choice and freedom understood as independence. Those who adopt relational approaches to autonomy recognize the value of self-determination but also that the capacity for self-determination is developed in and sustained through interpersonal and social relations.

Thus, proponents of the concept suggest a need to move away from isolated individualism and to recognise the social context and both emotional and embodied nature of decision makers. While this is not as radical as some care ethicists rejection of autonomous personhood - like Kittay (1997, 1999), who argues for the value of heteronymous personhood - it still incorporates a

better understanding of the relational realities that most of the ethics of care is trying to get at. It is introduced here because it is a concept that could be beneficial for both critiques. It also emphasises the bringing together of a relational aspect from the ethics of care and the importance of autonomy instilled in many theories of economics and markets. An autonomy that is not necessarily entirely harmful, nor in need of being completely discarded. The term serves as a potential way of better approaching the vulnerabilities exacerbated by radical inequality and could serve as an important piece of an alternative moral reasoning stemming from the arguments of an ethics of care.

2. Empathy and Inequality

Another connection between the two discourses of care and inequality lies in the potential of adopting an ethic of care to strengthen the argument that inequality is dysfunctional; using the ideas of pathogenic vulnerability and relational autonomy may do just this. Building on these ideas, if empathy increases the more you relate to a person, then, by assumption, people are more likely to be more empathetic towards those of their economic class. This is not to say that someone in extreme poverty would not evoke emotion from someone in the middle class nor that a wealthy individual who suffers immense personal trauma will not receive any emotive concern from someone of a lower economic standing. After all, connecting to another person's pain could simply be done on the basis of a common understanding or experience of what it means to be a human being.

However, on one level, the two examples could be argued to lean more towards an expression of sympathy rather than empathy. The distinction is one that was mentioned in Chapter Three and revolves somewhat around the difference between feeling someone's pain (empathy) and feeling *for* someone's pain (sympathy) (Slote, 2006: 227).[17] The possible disconnect between different classes of people could mean sentiments, genuine as they may be, fall more within an explanation of sympathy than within one of empathy. Ideally this is a topic which would engage an entire thesis alone, but it can only be mentioned briefly here as a step on this connecting path between inequality and care. Ultimately, in day-to-day interactions, if closer economic standing generates greater empathy amongst people, and, empathy is a key component of care, then an ethics of care would flourish in more egalitarian settings. At the same time, if people are convinced by an ethics of care, and consider more carefully the ubiquitous influence of relations and dependency, then the benefits of attending to and correcting for inequality may become more apparent and motivations to do so would be affected. This would help mitigate the pathogenic vulnerability that radical inequality engenders. Another way of seeing it is that starting from an ethics of care allows a 'sensitivity' towards more egalitarian outcomes, or at least a sensitivity towards drastically unequal outcomes. This may appear as far too simplistic a statement, but it cannot be denied that the connections are there. Assumptive as it may be, it could be shown to provide a part of a potential strategy for combating the concerns highlighted by the critiques.

The two previous chapters examined the problems with regard to international human rights and addressing inequality and suggested that the former's frameworks are ill-equipped to effectively

[17] In traditional and simple explanations, empathy for humans is often contrasted with sympathy for animals.

address the root causes, as well as some of the consequences, of the latter. This means that human rights, as useful as they may be for various concerns, cannot, at a foundational level, protect against the vulnerability created by inequality and exacerbated by radical inequality. The argument of this thesis would place understandings starting from an ethics of care perspective as a potential replacement for ones that starts from international human rights frameworks, and their individual-rational ideals. Again, because the primary concern of this thesis is to argue only why human rights are not enough, it does not have the space to sufficiently defend this claim. However, it is important to be kept in mind for future research and it suggests the benefit of looking at these two different critiques together.

Clearly, as suggested by the discussions in earlier chapters, there exists a certain number of people that 'care' about inequality. Yet, this does not seem to be significantly driving a reduction in inequality; in fact, it continues to grow (as suggested by Oxfam's 2019 report). This could be seen to be the consequence of a number of phenomenon but for the purposes here, language and motivation are two interesting threads to follow. While people care about inequality, its severe consequences are clearly not expressed adequately enough to really affect people's actions. In other words, it could mean that while the care for inequality does exist, even outside of circumstances of poverty, people are not motivated to change it. Both language and motivation have a part to play in understanding why this happens and will, thus, be addressed consequently in the next two sections.

3. Language

The question of language has come up a couple of times already in this thesis and, as will be shown here, there are both concerns and possibilities when it comes to language across the discourses of human rights, ethics of care and inequality.

The influence of language on politics and politics on language has been discussed across literature for decades (Shapiro, 1984; Biletzki, 1997; Joseph, 2006; Wodak & Forchtner, 2018). The use of persuasion or rhetoric, since some of the earliest documented times of social organisation, has been important in politics - especially when looking at the art of language and the *creation* of meaning. For this reason, when its importance becomes blatantly evident, it needs to be addressed. With regards to international human rights discourse, the advantages and disadvantages of language have been touched on in Chapter Two. For example, in the discussion around human rights strategies, language was shown to be incredibly powerful and useful, both for mobilisation and legitimacy. At the same time, there can be various drawbacks when it comes to language as shown in over inclusive terms (Griffin, 2001) or in vagueness, specifically with regards to human rights and law (Stork, 2008; Waldron, 1994). In addition, in line with one of the most traditional critiques of human rights, *who* creates (or has created) the language of human rights, and the meanings with which they are imbued, has been a topic of concern (Stammer, 1999; Jones, 1999; Ignatieff, 2001) In different ways then, evaluating 'the language' of human rights is necessary.

This consideration extends to the two critiques. Across care and inequality, a few problems have been noted when it comes to language. Within the discourse of care, Joan Tronto has suggested that the state of the language of care is 'impoverished'; Nel Noddings has highlighted the confusion that often arises over understandings of 'care' versus 'care taking'; and Fiona Robinson has brought attention to the tendency to relate caring to the simple act of 'caring more' (such as, for example, the case of the powerful just *caring* about the plight of the powerless). With regards to inequality, negative connotations to ideas of the welfare state and egalitarian principles (often associated with socialism) permeate certain parts of the globe - specifically the USA, but increasingly conservative parties across Europe (this was elaborated on in the section on inequality in the previous chapter). These narrow associations connect themselves to specific terms and limit the usefulness of the concept as a whole, or in the very least, they result in specific public reaction to certain language.

In the case of the two critiques then, one problem they could be seen to face is a poor state of language and association. On the other hand, both international human rights, despite arguments for their vagueness, and the UN, as an international enactor of human rights, still hold a considerable amount of legitimacy in the minds of many across the globe.[18] This 'discursive power' can affect the success of a movement and it may be something that both care and inequality need to work on in order to better provide potential alternatives to human rights discourse and their independent-individual-rational foundations. The power of human rights language is one of its key strengths and strategies but where do the concerns of care and

[18] See, for example, survey data by Council on Foreign Relations (2009).

inequality fit into this language? Well, as the previous chapters have suggested, human rights language (partly because of its individual/rationalist foundations and partly because of its legal connotations) does not adequately cater for the concerns of the two critiques. If international human rights language does not adequately allow for the focus to be placed on the concerns of inequality and care, then, it is not enough.

At the same time looking at the interplay of the language of care and the language of inequality may provide some interesting insights. Authors of care do seem to be concerned with inequality and expressing it using the language of an ethics of care may be helpful for bolstering the cause of inequality authors like Moyn. Thus, for Robinson (1999: 99),

> ...there are dangers associated with the overstatement of shared purposes, universal reciprocal rights and obligations, and the emergence of a unified global society or community. In the contemporary world, the globalisation of the world economy brings not only interdependence but also increased competition, deepening hierarchies and patterns of exclusion.

These then also play into the perpetuation of the inequality concerning Moyn and other authors in the contemporary global order. An important way to combat these is by altering how people understand morality, or by changing patterns of moral reasoning. Where international human rights are substantiated by a certain type of moral reasoning, premised on Kantian arguments, the ethics of care suggests an alternative whose language of relationality and dependence could inform how to better understand, and in doing so better combat, wealth inequality within and across societies. This particular potential has also been demonstrated in the terms of pathogenic vulnerability and relational autonomy already discussed. Furthermore, globalisation has

changed, and is changing, the way we see social relations and difference and this provides the opportunity 'to envisage an alternative interpretation of place and, by implication, of identity, difference, and moral relations' (Massey in Robinson 1999: 101). In fact, Robinson also echoes Moyn's concern with sufficiency being the sole guidance for moral action and of moral reasoning. Thus:

> Certainly, there is little harm in claiming that reason tells us that we should not leave any other human being to starve or suffer, especially, but not only if, we have some real confrontation with her. But it is surely not *all* that ethics can do; nor, indeed, is it all that ethics must do when confronted with the moral demands of a globalising world. (Robinson, 1999:100)

If human rights are largely consumed by concerns of sufficiency, then while they play a part in justice in society as a whole, they cannot be enough for a holistic future ethics. However, if the language of care can better express why radical inequality is crucial to address for a more peaceful, just and happy society then it is a more useful foundation of moral reasoning for this concern.

4. Justice

With that said, both critiques also have an interesting relationship to justice. Although justice as a concept has not been dealt with in detail in this thesis, it of course plays an important part in the discussions around moral theory, moral reasoning and human rights discourse. However,

given that it is such a dynamic and complex concept, it could not have been adequately accounted for here. At the same time, it remains important to mention it.

In the discourse of care ethics, there has previously existed the assumption that there is a kind of care-justice dichotomy which places the two as oppositional concepts. Along this line of thinking, care can only reflect private relations and the organisation of private life but entering the public realm must be accompanied by a letting go of the realities of care and an acceptance of the principles of justice. In other words, it is assumed that care cannot be a companion of justice on a wider, or more global, scale because it is underpinned by close, personal relationships. As argued by Barry (1995), and mentioned earlier, this would only serve to replace morality with nepotism, favouritism and *injustice*.

However, some argue this dichotomy is inaccurate for various reasons. For one, certain feminist authors argue that it is only a specific type of justice thinking that is often placed in contrast with care. This is because our moral vocabulary when it comes to justice and injustice is still heavily influenced by understandings of independence, individualism and autonomy. Thus, it is one namely premised on the belief that the best fulfilment of justice occurs with the respect of autonomy and individual rights through generalisables rule and principles (i.e. on a Kantian interpretation of morality) (Friedman, 1995; Okin, 1993). Drawing on authors like Robin Dillon and Claudia Card, Robinson (1999: 25-26), however, suggests that by enriching an ethics of care with important ideas around self-esteem and respect the concepts fundamental to even more traditionally liberal approaches to justice can be made relevant, and critical, to understandings of

care. Moreover, seeking traditional justice - even in reaction to injustice - can also be seen to err on the side of conflict resolution. Conflicts, based on an abuse of individual rights, are resolved in a *just* manner. But moving towards a focus on conflict prevention may mean justice concepts need to change if the imposition of a generalisable set of abstract principles is inadequate for effectively preventing most conflict. In addition, for Elena Pulcini (2013), justice is inadequate solely as a rational principle for a number of reasons, including the fact that emotions such as indignation are a crucial part of the understanding of injustice. Other interactions between care and justice and assessments of their compatibility are well-presented in a collection by Held (1995).

When it comes to inequality, justice is most heavily associated with concepts like status equality and equality of opportunity. But, as you move into egalitarian suggestions, the controversy of associating them with justice becomes more and more apparent. There has been considerable debates around distributive justice and how much justice and fairness interact with ideas of redistribution and state interference (Rawls, 1967/1986; Nozick, 1974; Hayek, 1982/1993) . Of course, ideas of redistribution often conflict entirely with the basis of respect for individual rights and the primarily negative freedoms strongly defended by libertarian approaches such as that of Nozick (1974). The tensions between freedom, justice and equality are covered across a full body of literature ranging from egalitarianism and Rawls's Difference Principle, to Desert-based and libertarian principles, to discussions on luck egalitarianism and prioritarianism (see, for example, Temkin, 2003; Rawls, 1999; Nozick, 1974; Pojman & McLeod, 1999; Arneson, 1999, 2000 and Parfit, 1995). These multiple perspectives have yet to reach any kind of solution or

compromise and the correct balance to satisfy acceptable ideas of freedom, justice and equality has yet to be found.

However, for some, like Samuel Moyn or Thomas Scanlon, there is a strong connection between radical inequality and injustice as has been shown previously during discussions of the consequences of inequality in Chapter Three. A state of affairs which sees some as much wealthier than most, and a wide gap between the 'haves' and the 'have-nots', would, for these authors, indicate a state of injustice. What tends to happen, however, is that inequality as an injustice only becomes persuasive when paired with the existence of states of poverty; as Harry Frankfurt (2015) argues is, and should be, the case. This is Moyn's argument of how the current focus in justice perspectives is on the sufficiency level of individuals rather than the equality of populations (Moyn, 2018b). Wealth inequality then, finds itself in a tense relationship with ideas of justice. This is different to care though, in that, not many would argue that people should not be entitled to experience a certain level of care in their lives, but there is considerable critique against the imposition of wealth equality or equality of outcome. Even without being able to extensively unpack these connections, the above shows how justice - even if not in the traditional sense - can be brought into both the debates on inequality and on care.

When it comes to current international human rights frameworks, they are founded in traditional understandings of justice. Every person is entitled to a set of inalienable and fundamental rights which prevent them from falling prey to the actions, or inactions, of any entity (person, state or

organisation) that acts to compromise their freedoms.[19] Setting moral principles of legalised human rights facilitates individual's ability to obtain justice through a set of systems and structures and, in theory, enables the creation of a more just society. However, both the critiques above suggest that this 'creation' of justice is not so simple and that by incorporating different values into the lens, it is still possible for justice to be facilitated via an alternative approach if understood slightly differently. The potential for both of the approaches to inform ideas of justice does suggest that the term could need revising. This forms another part of the argument of why international human rights are not enough. Showing how both critiques require more to be done in the way of justice thinking simply bolsters this argument.

5. Neoliberalism

A point that needs to be addressed next is one of markets and neoliberalism. The inequality critique dealt with in this thesis also centres on a critique of neoliberalism. Wealth inequality, in general, is continually tied to how neoliberal markets operate. Multiple authors have connected neoliberal dominance to rising mass inequality (Navarro, 2007; Sernau, 2010; Lazzarato, 2009; Smith, 2012; Furceri, Loungani & Ostry, 2016). Famous publications also document this trend, like Piketty (2014), who connects neoliberal policies to some of the worst socio-economic inequalities in history; and Streeck (2016), who paints an incredibly bleak picture of the future of neoliberal policies. For the ethics of care discourse, since the earliest writers of the tradition,

[19] With regard to the inactions of states, this is to intended to refer to more socio-economic rights. However, at the same time, given the controversial and heavily debated inclusion of these rights in international frameworks it must be remembered that they still remain questionable in the discourse of international human rights.

there has been a concern with the inadequacy of the dominant political economy to account for 'care' and caregiving. Tronto (2013) points out how the nature of market thinking: obscures the additional transaction costs that need to be taken into consideration with care, too easily assumes that people are capable of pursuing their own interests and often treats 'care' simply as another commodity to be distributed. In addition to this, other authors have argued how the gendered and private nature of caregiving results in the devaluing of care itself in the market (Ruddick, 1989; Held, 2006a; Kittay, 1999). Following this thread also reveals arguments of the gender exclusions argued to be inherent in such a market system. Returning to the idea of autonomy, Tronto (2013: 125) also suggests that human autonomy is an *achievement* and not a starting point. And that contrary to this understanding, market thinking both assumes initial and immediate autonomy and neglects past harms that may culminate in inequalities built into economic transactions. Both critiques then, find fault with the current forms of neoliberalism that have negatively affected the values they believe need to be integral to a healthy, functioning and just society.

Thus, both critiques require attention to neoliberalism in order to adequately address their concerns. However, for many authors within each tradition, international human rights are not enough. If the tools and strategies of these human rights are unable to adequately address the flaws of neoliberalism, then international human rights frameworks are not enough. Analysing in detail the relationships between human rights, inequality, neoliberalism and care is beyond the scope of this thesis. However, the previous chapter showed the presence of rising inequality and, for most part, the inability of human rights to adequately counter it. Added to this is the

recognition that neoliberalism plays a considerable part in creating or exacerbating inequality and the argument that human rights will similarly be unable to attend to the concerns of the neoliberal markets raised by the ethics of care - or at least the language of international human rights will be ill suited to the purpose. This is partly because human rights stem from the same foundational assumptions that neoliberalism does. This suggests that human rights do not, on their own, have the correct tools or strategies to challenge neoliberalism and its inequality.

While both critiques add an additional dimension to one another's discussions of neoliberalism, beyond this, it is uncertain as to whether either can provide any insights into whether their proposed alternatives are useful for one another for the specific purpose of market flaws. The question becomes: is care ethics complementary to a more welfare-based understanding of economics? Or, in reverse, would a more egalitarian society be more disposed to investing in an ethics of care? These are two crucial questions which I believe sit at the heart of the interaction of the two discourses economically. Although it has only been touched on in part here, it stands as an important next step if there is interest in understanding the links between these two concerns. For now, however, within this economic dimension, international human rights frameworks appear ill-equipped to deal with the concerns raised by these separate critiques.

6. Motivation

The last element to be addressed in this chapter is the concept of motivation. It has been mentioned a few times, in passing, in the previous chapters but it is yet to be directly addressed; I

believe it is important to bring it into consideration. It does not necessarily have any automatic or obvious association to the two critiques but in the discussion that follows I will show how it may be a crucial piece in moving forward with the arguments put forward in this thesis.

In the arguments of inequality and the ethics of care, international human rights fail to be an adequate grounding for political society because they are ill-equipped to deal with the moral crises of our day: they are not sufficiently concerned with, or able to address, wealth inequality; they have little understanding of the relational nature of people within society; and they are too heavily associated with an economic system that perpetuates both inequality and egoistic ideals. I believe this generates a certain amount of disillusionment around the potential of human rights and, in turn, suffocates political agency and motivation for political action. If this is the case, then I believe the next logical step is a better assessment and understanding of motivation with regard to inequality and care. And, is there potential for an ethics of care perspective to provide a lens through which to approach the complex mechanisms of motivation for political action? Is there something in the language of care that can help us better grasp people's motivations when it comes to inequality?

Both critiques, in one way or another, challenge the underlying assumptions and foundations that ground international human rights and argue that these underlying components are an unsatisfactory basis moving forward. This is important because the potential of even attempting to alter a foundation that is well-established is impossible without a sophisticated understanding

of people's political motivation and agency. Specifically, as will be discussed, the emotional dimension of such motivation which is increasingly receiving academic attention.

In a book on the British welfare state, Le Grand (2003) discusses and analyses the interplay between altruism, motivation and agency. He argues that, even when there is agreement on the ends to be achieved (such as raising levels of education or healthcare), there is disagreement on the *means* to achieving these. Moreover - and importantly - he argues that this disagreement stems from different beliefs about motivation and agency (*Ibid.,* 12). Now, many, if not most, of the proponents of human rights, equality and care would agree on certain things that are positive to encourage in society - including raising education, creating dignified lives and facilitating freedoms. They may not even heavily disagree on the worlds they are trying to achieve. Instead, when it comes to policy, as Le Grand suggests, it is more a disagreement about the means of achieving such a society and, thus, about understandings of motivation and agency.[20] As such, giving attention to these understandings is a crucial part of the process. Many decisions and arguments stem from a specific belief of how individuals are motivated to act and how they utilise and understand agency. Market systems for example, are often best suited to harnessing the forces of self-interest and their assumptions about human subjects - as largely rational, self-interested and independent - facilitate this.

[20] This is, of course, in addition to differences in beliefs on what freedom and dignity mean. In part, these differences (along with concepts like justice) are of primary concern to this thesis. However, motivation is a similarly crucial, and often-neglected, piece of the puzzle which is why it is highlighted here. In addition, when it comes specifically to policy it has a very important part to play.

If you look at some of the key strengths of the discourse underpinning neoliberalism and international human rights that authors like Moyn finds problematic, you find a tradition of individualism, rationality and negative liberty. In other words, if, and when, it comes to motivation the framework from which this is understood is one of rational beings acting, for the most part, in a predictable, self-interested way. While emotional drivers are not excluded as whole-heartedly as they perhaps once were in moral and political philosophy, they still do not factor into political understandings as much as they should. Challenging this essential part of what underpins the political economy and international human rights, by drawing attention to the way in which motivation (not limited by rationality) creates political agency, could go a long way in effectively addressing growing inequality. If we understand more fully how motivation operates it can be nurtured to aid in creating societies that (for lack of a better word) care about inequality, or at the very least, we could have a better understanding of what practical programmes would succeed in motivating people to engage against inequality and enter into caring relations.

Simultaneously, if care is to be given a more serious part to play in political discussion, then motivation to care and motivation to learn to care needs to be given more serious attention. The action of claiming rights may hold a completely different motivational value to the social relations within which we live our everyday lives. One way in which this specific line of reasoning enters into care theory is through discussions around education (and 'learning' more generally). It was after all a student of Kohlberg, whose prime focus was early moral development, who created some of the earliest ideas of an ethics of care - Carol Gilligan.

Robinson (1999: 30) draws attention to the question of '*how* should we care?', or how we might learn to care, in addition to the question of just why we should care and she argues that responding to people morally is a capacity which is learned (*Ibid.,* 46). This is echoed in other early and more recent work which has discussed how caring, however innate, is a capacity that can be 'cultivated' (see Tronto, 2013; Mann, 2010; Ruddick, 1989). Empathy is an important part of both an ethics of care and early education which suggests the way in which the development of care is further incorporated, and can be incorporated, into early stages of education. This is especially when considering the argument that care motivation is sustained by our human capacity for empathy (Slote, 2007). Early education is one source from which we gain our moral vocabulary and this is not lost on care authors who, thus, suggest the importance of a focus on education for the development of a practical alternative based on an ethic of care.

The importance of motivation is similarly not lost on care authors. In her discussion of human rights and care, Held (2015) voices a concern over motivation, elaborated by Susan Mendus (2015), and puts forward the argument that it is not really a problem of rights, but rather a problem of motivation. In other words, her concern is that rights do not adequately motivate actors (individual or institutional) to actually bring about what is envisioned within the rights. Robinson (1999: 152) suggests that certain Kantian obligations, for example around alleviating poverty, 'end up faltering on the question of motivation'. Other authors, like Onora O'Neill, have also expressed a scepticism of the ability of human rights to induce motivation, though she appeals to obligation rather than care to remedy the situation (O'Neill, 2000). In addition, any

arguments that question what is *added* to an issue by recasting it in the language of rights could be extended to include the specific concern over what impact rights language has on motivation.

I would suggest that this concern over motivation and international human rights is not difficult to understand. One source of the problem is, perhaps, that these human rights are in a way, ironically, removed from the individual level. People often see human rights justice happening at a higher level; the level, for example, of international courts. Even while supporting international human rights, then, many people may not necessarily feel personally responsible for the enactment of such rights. This feeling of 'detachment' from the processes of human rights, which happen somewhere 'out there', could have serious impact on individual motivation. In her response to Held and discussion of this concept, Mendus (2015: 649) suggests that 'where extensive poverty, suffering and inequality are concerned, there is often very little individuals can do by themselves, and obligations must therefore fall upon governments or institutional actors...'. While this is not wrong, and while the state and its various regulative and coercive mechanisms can provide forceful motivational sources for individuals to act, the individual and their motivations are still vital to this process. *Too* much 'detachment' may increasingly abstract most responsibility from an individual level and neglect the fundamental role that individuals play. This, then, suggests not only the importance of better understandings of motivational mechanisms but also the 'gap' in international human rights theory and practice when it comes to these mechanisms.

In closing, having a reason to do something does not necessarily mean having a motivation to do it (Mele, 2003: 110). This is important because, throughout, this thesis has sketched out why people have a reason to attend to both mass inequality and the lack of foundational reference to the relational realities of individuals lives. However, having a reason to do so does not suggest that any concern for these issues will permeate through to a general public level and because of this, motivation and agency become key components of developing alternative approaches in light of the critiques. These themes do mean that the conversation could begin to move more in the direction of political psychology. As Borgida, Federico and Sullivan (2009) suggest, 'political science often seems less equipped to examine micro-level psychological processes'. However, an interdisciplinary approach for such a topic is crucial if it is to have any impact on real life experiences, both political and social.

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This chapter has aimed to bring together the two critiques from Chapter Three across a number of different themes. Many of these themes also have points of interaction with each other such as the relationship between ideas of empathy, vulnerability, education and language. While most of the themes still need to be expanded and explored, the above shows the potential of an approach grounded in an ethics of care for addressing specific moral crises like inequality. It suggests that there is a benefit to using an approach of care to articulate the problems of mass inequality and that, in moving towards a more relational understanding of morality, the need to address such inequality may be exaggerated or even corrected. It also shows the crucial elements that need to become important in political discourses that many traditional approaches to justice

and morality, like international human rights, may not be able to subsume. At the same time, this chapter opens up many questions and contributes to a number of conversations that need to be had with increasing urgency across politics.

The next chapter takes a step back. It returns to the concept of human rights and provides a short investigation as to whether the understanding of human rights adopted by the two main critiques in this thesis is the only one that is important. It asks whether by looking at other contexts, specifically outside of the realm of international human rights, there is a different reality of the concept to be understood. A reality that better incorporates the egalitarian and relation hopes of the authors of inequality and care.

Five: Are Human Rights Really Not Enough? The Case of the Global South

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As the final part, this next chapter will take a slightly different approach. To effectively critique human rights, while understanding its complexity outlined in the second chapter, the concept itself may need to be investigated a little more. By this I mean that an international understanding of human rights - which authors across economic and care backgrounds often take as their basis of the concept - may conceal some important considerations. Looking at human rights discourse and its implementation from a different perspective provides some insights that make it necessary for those dealing with the concept to re-evaluate their understanding. With this in mind, this chapter looks at human rights in struggles in the Global South, particularly Latin America and Africa. Here, the egalitarian and relational aspects that are thought by both critiques to be missing from the concept of human rights are actually integral to it.

The idea behind analysing, in more detail, the different perspectives of human rights across various actors is to better understand if the *lens* through which human rights is viewed affects the validity of the two critiques that have been discussed. Briefly, in Chapter Two, the different actors and institutions involved in the adoption and enactment of human rights were outlined. This suggested that there is a broad difference between internationalist perspectives and organisations, and more local or national groups. Of course, in the context of sovereign states this existence of different levels of actors is not necessarily surprising. Having an international

discourse does not mean that the only actors at play are those operating in a transnational manner - this discourse could be expected to filter to the national or local levels and be taken up by actors more appropriate for those scenarios. At the same time, some of the values found in what is understood as an international discourse of human rights may be similar to those that embody various struggles at local levels without having had to have stemmed initially from the UDHR.[21] Nonetheless, the multiple actors at play at various levels may mean that human rights operate differently in different contexts. If egalitarian and relational aspects can be found operating through the frameworks of human rights at a different level, then this suggests that both critiques need to be revised to address this complexity - and that the argument that human rights are not enough requires consideration of another dimension. This is what the first two short sections of this chapter will look at through the use of examples from Latin America and Africa.

However, the fact that human rights operate differently in different contexts should not necessarily suggest a change in the foundations or understandings of the discourse itself, or in the actual concept of human rights. If there is something that changes in the foundational assumptions of the concept of international human rights, or if new meaning needs to be added to the concept, as it moves from the international perspective and is adopted into local understandings, then, there may be another problem that arises that needs to be considered. Do the changes at different levels simply reflect a certain fluidity of the concept? Is this 'fluidity' problematic? Does the reshaping of human rights at a national level mean that the dominant

[21] In other words, these values may already exist in these societies and are not simply 'exported' to them. This becomes particularly relevant in arguments that address the critiques that international human rights are an entirely Western concept and, as such, only reflect the values conceived of in Western societies which are then exported to the rest of the world.

international frameworks of human rights are not enough without the addition of local meanings? And, if international human rights are found lacking in the face of social realities in the Global South, does this not leave space for the consideration of an alternative founding of moral reasoning? These concerns will be addressed in the latter section of this chapter.

1. Latin America

There is a growing trend in human rights literature, particularly with regard to the Global South, to change the way the uses and effects of human rights are understood. Specifically, to place at the centre of consideration, the socio-political context of the spaces in which human rights are enacted and the interpretation of the actors and groups that utilise human rights discourse at ground level. Thus, Paul Rabinow (2005: 48) argues for the importance of learning about multiple forms of human rights groups particularly those operating in 'pre-existing moral landscapes'. Sally Engle Merry (1997; 2006) investigates the way in which the international human rights discourse is imbued with local meanings by the groups who utilise them and Shannon Speed (2008: 81) presents evidence for the way 'the discourse of human rights takes on the meaning ascribed to it by social actors involved in particular political struggles'. This line of reasoning also follows with the arguments of Baxi (2000 cited in Landy, 2013: 415) who suggests that human rights 'is not in fact one thing, one discourse, but a multiple means of claims-making and narrative building'. In this sense, the local approach to, and 'construction' of, this discourse is just as important, if not more important, than the international frameworks of

human rights. According to Landy (2013: 415), Baxi recommends 'that researchers attend to the *moment* of human rights discourse – how it is deployed by the specific people who deploy it'.

Following with this trend, in her work, *In the Wake of Neoliberalism: Citizenship and Human Rights in Argentina* (2012), Karen Faulk provides an important argument for the way in which human rights groups in Argentina contest the ideas of individualism and universality that are embedded in the more transnational frameworks of the concept of human rights. Faulk's work documents, in detail, the workings of two human rights organisations and the general perceptions and understandings of human rights' role in society at a local level. This is done with particular attention to the concerns of impunity and corruption which she shows relate heavily, in context, to 'self-interested behaviour', a lack of concern for collective socio-economic well-being and destruction of 'sociality' - understood as the 'relations, interdependencies and trust among citizens which serve to sustain public life' (Forment, n.d. cited in *Ibid.,* 241). In the various struggles, human rights and human rights work are intricately tied to the importance of social reconstruction and 'sociality', as well as economic rights (*Ibid.,* 27).

In one chapter, Faulk begins with a quote by an Argentinian and it shows how the language of the time was one which placed social relationships as a defining part of the struggle:

> Soy madre de una víctima del atentado a la AMIA, soy una mujer que llora la pérdida irreparable de su única hija, soy una más de los que luchan sin descanso para esclarecer esta masacre, soy una ciudadana que me rebelo ante la falta de justicia, soy una argentina que me avergüenzo de la impunidad que reina en mi país.

> I am the *mother* of an AMIA victim, I am a woman who cries for the irreparable loss of her only child, I am one more of those who struggle without rest to shed light on this massacre, I am a citizen rebelling before the lack of justice, I am an Argentine who is ashamed of the impunity that reigns in my country [emphasis added].
>
> Sofía Kaplinsky de Guterman

The woman defines herself first and foremost as *in relation* to another and although it may seem subtle, this expresses the importance that relational understandings had in the minds of ordinary Argentinians employing human rights in their struggles. One group in Argentina, the *Madres de Plaza de Mayo* is also colloquially referred to as 'the mothers'. Now, this is in part due to the nature of their struggle, which was initiated by the mothers whose children were disappearing under the regime. Yet, it also embodies the importance that relationships had to the struggle itself; the association of fighting for those related to you and defining your struggle in these terms. The *Madres* were the first major group to organise against what *they* defined as 'human rights violations'. At the root, then, of their understanding of a human right is the undeniable relational element of human nature emphasised by an ethics of care. This also finds expression in the absolute significance of 'sociality' to other groups that were operating using human rights (*Ibid.,* 242). In this way, local actors imbued their human rights with local meaning - a meaning embedded in the disappearance of their children or in their understandings of interdependence and trust. This suggests that the individualisation and movement away from collective responsibility that many care ethicists fear is exaggerated by frameworks of human rights may only be applicable to the collection of international human rights frameworks embodied by

global organisations. In this context, human rights do not seem to take on the same individual character emphasised by the critiques and evident in certain frameworks.

In support of this line of argument, in a collection on Latin American social movements, Alvarez, Dagnino and Escobar (1998) talk specifically about the effects of 'cultural politics' on political culture. In the West, political culture is characterised as 'rationalist, universalist, and individualist' (Mouffe, 1993: 2 cited in *Ibid.,* 8); the same culture embodied by international human rights as described in Chapter Two. In contrast to this, the political culture in Latin America diverges, sometimes slightly and sometimes significantly, from this characterisation (Alvarez, Dagnino & Escobar, 1998). Thus, in a study on social movements in Mexico, Rubin (1998) shows the strength that popular movements drew from family, community and ethnic ties. Furthermore, Estévez (2008), in a paper discussing a socio-political conceptualisation of human rights in Latin America, argues that human rights should be understood in the context of social struggles. Thus, '[t]he idea of 'rights of the poor' [espoused in certain parts of the continent] contrasted with the individualism promoted by the liberal doctrine of rights since it proposed human rights to be the rights of a human *community* rather than the rights of the human *individual'* (Czerny, 1992 cited in Estévez, 2008: 252).

In another recent work on human rights in Latin America, Patrick Kelly (2018) investigates the complexities that exist when moving between local, regional and international usage of human rights. In a similar vein to the work above, there are certain cases where the language of international human rights is adopted but, simultaneously imbued with different meanings. In

the case of nations in Latin America this was particularly evident in the focus on socio-economic rights. Thus, 'Latin American clergy [key actors in local human rights struggles] and social activists spoke of economic and social rights far more than their wealthy partners in the Global North' (*Ibid.,* 9-footnote). In Argentina, specifically, the socio-economic element of human rights, so often neglected, or elided, by international actors and institutions was a foundational part of their understanding of the discourse. Across the regions there was an association between the use of human rights and the broader call for a more equal societal order - 'articulated in the idioms of solidarity' (*Ibid.,* 278). In fact, to follow even more closely in line with some of the concerns in this thesis, the *Madres de Plaza de Mayo* in Argentina were engaged in establishing socio-economic rights directly against what they saw as the advances, and consequences, of neoliberalism (*Ibid.,* 286). In Mexico, a popular view was outlined, by Ellacuría (1990), that emphasised the socio-economic context and refused to separate between the two sets of rights - civil and political and socio-economic; a separation prominent in international human rights (Estévez, 2008: 252). And, in Brazil, 'throughout the decade, [social]...movements brought a deepened conception of rights and citizenship to public debate and the political sphere, *incorporating* demands for equity and justice in the social and cultural dimensions that affect identities, existence, and ways of life [emphasis added]' (Paoli & Da Silva Telles, 1998: 68).

Finally, Speed's (2008) discussion on the topic provides a valuable contribution to the above. In her work on the utilisation of rights in struggles in Chiapas, she investigates the various interrelations between human rights, neoliberalism, globalisation and indigenous communities. She shows how the Zapatistas managed to utilise global discourses like human rights to

'galvanis[e] a broad transnational movement of solidarity and human rights activists to support them' (*Ibid.,* 20). The Zapatista communities would utilise the frameworks strategically, but, importantly, 'in that strategic engagement, the meaning of human rights is redefined' (*Ibid.,*156). In all of this, then, 'local conceptions of rights and justice are [not] erased by the arrival of human rights discourse' (*Ibid.,* 26).

These studies only further suggest that the shift of lens through which one critiques human rights can have serious consequences. If local constructions address the concerns of the two critiques presented in this thesis then they provide a new consideration to the question of whether human rights are enough.

2. South Africa and Africa

Throughout historical and political literature, there are often similarities drawn between the experiences of Latin America and of Africa (and particularly South Africa). In terms of colonisation, political struggle, identity and economic and social development, there are often a number of comparisons and contrasts that are drawn that contribute to interesting discussions across a number of themes. Human rights experiences seem to follow this trend. Local actors in South Africa, like those in the Latin American countries discussed above, also present some useful considerations for the analysis of the critiques of human rights that have been the focus of this thesis. This is because multiple actors operating in local contexts, similarly, imbue the discourse of international human rights with their own specific meaning and utilise rights-based

frameworks to pursue goals that stem from a belief in greater social and economic equality *as well as* civil and political freedoms. These are premised on the struggles for freedom that have taken place, and continue to take place, across the Global South. In a similar vein to Rabinow (2005), Merry (1997) and Baxi (2000 cited in Landy, 2013), African legal scholar Celestine Nyamu-Musembi argues for the need to adopt 'action-oriented perspectives'. She claims that 'looking for the meaning of rights from the perspective of those claiming them transforms defined normative parameters of human rights debates, questions established conceptual categories and expands the range of claims that are validated as rights' (Nyamu-Musembi, 2002: 1).

In a work that directly takes on the task of better understanding the specific spaces in which human rights are actually enacted, and the actors that use them, Elke Zuern studies the establishment of democracy across South Africa by engaging with, and outlining the perspectives of, the ordinary people who struggled to bring it about. In *The Politics of Necessity: Community Organising and Democracy in South Africa* (2011), she argues for greater consideration of these individuals and groups; the ones who did the majority of the actual 'organizing, protesting, and demanding [of] a wide range of rights' (*Ibid.,* xi). She makes clear early on that...

> The struggle for the overwhelming majority of the people [she] interviewed is a struggle for human rights and democracy, but not in the way in which mainstream Western approaches most often employ these terms. Liberal democracies such as the United States and prominent international human rights organizations tend to focus on civil and political rights while sidelining socio-economic rights...South Africans have directly challenged this approach by

> arguing that freedom can only be realized when civil, political, *and* socio-economic rights are protected and enforced (*Ibid.,* xi).

This shows how an international discourse of democracy and human rights was taken and incorporated into a local set of values and beliefs. Although Zuern (2011) is primarily concerned with the development of democracy and the links between this and community organisation and mobilisation, the argument, in large part, is also applicable to the ideas of human rights. This understanding is reiterated in other studies from across Africa: the association with the fight for greater material equality and socio-economic rights is evident within struggles for freedom, democracy and rights in places like Zambia, Ghana and Cote d'Ivoire (Abrahamsen, 2001) as well as across other parts of sub-Saharan Africa (Bratton & Van der Walle, 1997).

In South Africa, the prominence of socio-economic concerns in the struggles that have utilised rights frameworks is evident in the words of one African National Congress (ANC) member:

> We did not say our struggle against apartheid was a civil rights struggle. We said it was a liberation struggle. There is actually a difference...A liberation struggle includes socio-economic issues, it includes power relations. It includes structures of society… (Turok, 2005).

This suggests the effects that take place when you adjust the lens with which you approach the human rights discourse. It cements the differences that exist between international perspectives and more local and national based understandings. At the same time, the social movements in these countries recognise the importance of rights-based approaches, and they utilise them when

necessary (Robins, 2008: 3, 6). This also reflects the experiences in Latin America outlined by the authors in the previous section.

In another study documenting the experiences of social movements, NGOs and popular politics after the fall of Apartheid, Steven Robins (2008) shows how the specific context within which rights become understood can influence the meanings with which these rights are imbued. In his study, similar emphasis is given to the status that socio-economic rights hold but particular attention is given to the suggested 'individualising' nature of human rights and rights discourses. Robins questions the 'hyper-individualisation' that other authors have argued occurs when a country begins to become like the rights-dominated, neoliberal regimes of the North (*Ibid.*, 8). In fact, he suggests that there are somewhat 'taken-for-granted assumptions about the individualising, fragmenting and depoliticising nature of rights discourses' (Robins, 2008: 172).

Instead of catering to this assumption, he argues that South Africa, through local NGOs and social movements, has increasingly recognised 'the strategic value of engaging with both liberal 'rights talk' and communal forms of mobilisation' (*Ibid.,* 12). This means that while utilising frameworks that contribute to the furthering of various societal goals, specifically in the use of mobilising rights-talk to leverage state resources, local movements do not lose the sense of community that has so often been associated with an African perspective (usually in the ideas of *Ubuntu)*.[22] The essence of community organisation, the rejection of individualisation and the belief in greater socio-economic equality is thus paired with strategies that incorporate the

[22] For information on groups in South Africa utilising rights discourses to leverage state resources, see Robins (2008: 81-99).

international frameworks of human rights. To support this, in work documenting democratisation and protection of human rights in Africa, Ambrose (1995) connects dignity - an idea integral to all human rights discourses - to community and relational understandings in the African context. For Ambrose,'[dignity] for Africans translates into ensuring a humane existence for each other', and the element of care is important not just to families but entire communities (*Ibid.,* 31).

Although it may be necessary to note that authors like Robinson (1999: 74) discuss the differences between communitarian approaches and feminist care ethics approaches, it is still evident that a greater emphasis on the relational characteristic of humans' social and political life brings us more in line with foundations proposed by an ethics of care. Thus, the pairing of human rights with a foundation of relational understanding appears more possible when cases like this are taken into consideration and the lens through which we view human rights discourse is altered. These elements, of relational considerations and socio-economic goals, evident in the enactment of human rights in parts of Africa reinforce how important it is to give attention to the particular actors that employ human rights before making an assessment of the concept as a whole.

But what else does it tell us? Is there potentially another type of concern raised by these experiences? The next section will discuss whether changes at different levels simply reflect a certain fluidity of the concept or whether there could still remain a question over whether human

rights are enough moving forward, given that they are sometimes only used strategically and given that they must be paired with additional meaning to resonate locally.

3. Understanding the Limits of International Human Rights.

The consequences of the type of experience exemplified by the studies above suggests two important things. First, they highlight the distinction that needs to be made between various human rights actors, institutions and understandings; specifically between the international approach and the more local, 'action oriented', approaches. This distinction is crucial for assessing the validity of certain critiques because their targeting of 'human rights', and what they understand the concept to mean, then becomes incredibly important. It also means that there is a nuanced counterargument that takes aim not necessarily at the critiques and arguments themselves but at their lack of a more holistic understanding of how human rights operate.

International approaches to human rights often neglect or exclude strong socio-economic rights because of their controversiality and feasibility. Yet, experiences, like those above, suggest that some of the critiques arguing that human rights lack a focus on socio-economic concerns can be countered effectively using concrete examples. The feasibility of incorporating this set of rights is addressed when the meaning of a more equal society is infused in the struggles themselves and when this meaning becomes attached to an understanding and enactment of human rights. Perhaps in a way that again fuses 'sufficiency' and 'equality' together in line with the arguments of Moyn (2018b). The implementation of these concerns as rights becomes potentially more

attainable. Now, economic and social rights are still a part of human rights in official international discourse and documents, such as the UDHR, and emphasis on them would not technically suggest a movement away from, or a critique of, international human rights themselves. At the same time, however, the reality is that civil and political rights are far more institutionalised in international human rights discourse and they dominate mainstream international approaches.

The experiences also contribute to how we understand the dominant political economy. Neoliberalism, or at least neoliberal policies, were a key stimulant of the struggles in Latin America, not necessarily only directly like with the *Madres*, but also indirectly. This is because neoliberal policies were the backdrop of the struggles against corruption and impunity. It was Carlos Forment who argued that in Argentina 'neoliberal policies took aim against the 'social', which, as mentioned, was understood as the 'relations, interdependencies and trust among citizens which serve to sustain public life' (Forment, n.d. cited in Faulk, 2012: 241). Corruption, impunity and neoliberalism played a major role in the 'corrosion' of the 'social'. According to the investigations by the authors of the struggles across the continent just discussed, it was not just that social and economic wellbeing was central, but also that there was an understanding that neoliberal policies often worked against this. Now, following Moyn's original argument, human rights are an ineffective tool against neoliberalism because they do not contain the values to counteract it and because their global agendas are too closely associated. However, in support of those who critique his argument (presented in Chapter Three), the above examples of the Global South suggest that human rights became incorporated into, and were often effectively used to

address, concerns that people believed were the consequence of neoliberal policies, or even to attack the concept of neoliberalism itself (such as in the case of the *Madres*). The framework and legitimacy of the discourse of international human rights, combined with the local values of socio-economic equality, created a worthy opponent to blatant neoliberalism. This, again, comes back to the question of how changing the lens through which human rights are understood impacts their apparent use and effectiveness.

In support of this changing of the lens, Baxi (2006) argues that human right are not just about the imposition of law. Instead, 'they also signify practices of resistance and struggle directed to *name* human rights and to put them to *work' (Ibid.,* 168). In these arguments of who the real *authors* of human rights are, international frameworks and institutions do not always have their way. The utilisation of international frameworks while simultaneous 'imbuing' the concept with local meaning, demonstrated in examples above, suggest exactly this. Landy (2013: 415), with specific regard to social movements, argues that criticisms that reduce human rights to their institutionalised forms, in this context legal and international forms, ignore 'the role of social struggles in shaping human rights and human rights' consequent ambiguous relationship with power'. In his interesting analysis of tensions in the context of Palestine, Landy (2013) uses the idea of discursive repertoires, which he borrows from Steinberg (1999: 772). These, which are different from frames, 'emerge in dialogic contention through the process of struggle within structured settings' (Landy, 2013: 416). Even though the author specifically tackles these concerns in the contexts of Palestinian struggles, the idea is applicable to both contexts discussed here. It speaks of the need to recognise the way that the international discourse of human rights

is adopted, reconstructed and manipulated to varying extents, and as such, the benefit that it continues to have - both socio-economically and with respect to relational understandings - at the level of local movements. The need to take into account the perspective of the people who actually *use* the discourse and who, in turn, shape the discourse, is imperative.

However, this is not to suggest that human rights escape unscathed nor that this counter argument completely dispels the concerns that have been described throughout most of this thesis. This is because the second consequence of understanding the experience expressed above is that it may simply suggest additional, and more complex, limits of international human rights and human rights discourse in general - and it may even provide a consideration which, when reflected upon, ends up bolstering the arguments of the original critiques. This is what is briefly explored next.

Does the alteration of the meaning of human rights, or does the imbuing of the term with local meaning (the 'vernacularisation') fundamentally change the concept itself and, in doing so, create a contradiction? In other words, to borrow Baxi's (2006: 169) question, '[a]re acts of *translation* also and necessarily acts of *transgression*?' And why would this be important? Does the need to adapt the term not suggest further flaws in the mainstream international application of the concept? Does it, in line with the two critiques discussed here, neither of which completely reject the usefulness of rights, suggest that human rights are still not enough without having to change or manipulate their internationally-recognised meaning? And, finally (though not exhaustively), would this not then leave an opening for the consideration of a language, and

foundation, of moral theory and political action that better incorporates these concerns without needing to be constantly constructed and reconstructed in various contexts?

In the previous chapter, the question of language was discussed. It showed, not only the relevance of language to the political realm but also suggested that the language we use matters. Now, the above suggests that at times, international human rights were adopted because they were politically expedient. They gave local struggles access to a discourse that almost automatically added a sense of legitimacy and, simultaneously, drew greater attention from a range of possible, and powerful, supporters. It essentially provided the struggle with the ability to escalate itself to the international stage - a place where greater pressures can be created and potential change can be ushered in faster. At the same time, at a local level, the struggles that incorporated the language of international human rights still remained grounded in the local concerns - around social harmony and greater economic equality. This can be effective.

Yet, the full extent of the language of human rights at an international level did not sit entirely comfortably with the local struggles' main concerns. Kelly (2018: 11) shows how 'solidarity activists never lost a higher devotion to a political cause' and how they were 'likely to appeal to human rights as a strategic maneuver when it best suited them'. Similarly, a Chilean activist suggested that human rights provided a 'rich and useful framework' but, that in essence, they were not fighting for human rights as much as for the end of Pinochet (the then Chilean president) (Bickford cited in *Ibid.,* 278). This is in line with the argument that while a part of the social movements in Latin America (and in Africa), human rights were not always the primary

aim of the movements themselves, but rather a framework that was useful to utilise at times to advance various causes.

Similarly, in the case of South Africa, Robins (2008: 26, 170) highlights how rights-based legal talk was used to 'buttress' the claims of various groups and notes that the case studies he covers…

> ...show how these NGO–social movement partnerships strategically and situationally deploy the language and practices of liberal democracy, while not necessarily buying into the tenets and ideology of (neo)liberal capitalism.

Before getting to the questions on whether the fluidity of human rights language is problematic or whether its constant reshaping fundamentally changes the concept and creates a contradiction, there is another pitfall relating directly to this context that needs to be considered. This is that the strategic use of these international frameworks can have severely negative consequences.

Landy (2013), mentioned earlier in discussions around the framing benefits of human rights language in Palestine, shows the constraining effects that the use of international frameworks can also have. Specifically, that, sometimes, 'social movements tend to reproduce dominant discourse even while fighting for change' and that local movements can be reduced to 'objects of humanitarian and financial support rather than political allies' (*Ibid., 421,* 422). There can also be simultaneous 'silencing' on the part of international human rights, which allows for 'deliberate blindness' to uncomfortable demands (*Ibid.).* Development Alternatives for Women

for a New Era (DAWN), a network of women in the Global South, has also argued that partnerships between international groups and local networks, based on principles of human rights, often lock local NGOs into a difficult position because '[on] the one hand, they provide opportunity to engage in dialogue, which is important. [But on] the other hand, they represent a strategy of control and deliberately gloss over the inequalities in power and capacity of different actors…and use NGO participation to legitimize the claims to democracy in the neoliberal models of governance' (DAWNInforms, 2002 cited in Mayo, 2005: 145). These international human rights frameworks, their language and their 'partnerships', therefore, constrain as well as enable.

The constraining consequences of using a legal frame like human rights can also be associated with the tendency for human rights to be a more 'minimalist' program for social change. According to Kelly (2018: 275), '[throughout] the world disenchanted warriors on the left began to turn away from grandiose schemes to change the world, away from violent confrontations in favour of what historian Jay Winter has called 'minor utopias''. This is in line with an earlier argument by Samuel Moyn in his book, *The Last Utopia* (2010), about how and why human rights themselves came to dominate moral and political discourse in the 1970s. By 'transcending politics' and offering a much more 'minimalist' subscription to justice and political action, human rights became the most useful language of the day for both politicians and activists. However, with arguments that many of the struggles encompassed under the human rights banner are inherently political, something also demonstrated by the experiences in the beginning of this chapter, the concept becomes increasingly stretched, contradictory and difficult to

effectively apply in various circumstances (i.e. outside of situations of justice directly and clearly understood in terms of the claiming of rights). The struggles in Latin America and Africa could be seen, then, as 'thickening' the concept of human rights to include these local understandings of what is actually being fought for - both in social (relational) and economic terms. But a thicker notion of human rights then comes into contact with the various more controversial debates around economic equality and independent individuality and, even, the benefits neoliberal policies. These draw the conversation, and the concept of human rights, into a much more politicised space and at the same time create tension with, specifically international understandings of human rights. To quote Moyn (2010: 227) at length:

> Today, these goals— [of] preventing catastrophe through minimalist ethical norms and building utopia through maximalist political vision—are absolutely different. One remains more compatible with the moralized breakthrough of human rights in the first place; the other follows from aspirations human rights have incorporated since that time, aspirations that are emphatically visionary but also necessarily divisive. The first version can honestly confront its lack of answers and acknowledge that *it must make room for the contest of genuinely political visions for the future*: seeking ways to constrain the contest so it does not lead to disaster, perhaps, but playing no other role. Yet then human rights cannot be a general slogan or worldview or ideal. If it draws authority from its appeal to morality, the other, utopian version of human rights easily becomes a recipe for the displacement of politics, forcing aspirations for change to present themselves as less controversial than they really are, as if humanity were not still confused and divided about how to bring about individual and collective freedom in a deeply unjust world [emphasis added].

This does not suggest that all the values embodied by claims to human rights were inappropriate or unhelpful. There are many values, in fact, crucial to international understandings of human

rights that were (and are) similarly essential to local and national struggles. However, with respect to the values highlighted by the critiques discussed in this thesis, they are notably absent, or controversial, in international discourse, even when they are central to local concerns. This tension is difficult to negotiate in the language of 'human' rights because of their automatic characterisation as natural, universal and rational.

Furthermore, the promises of action by international actors utilising frameworks of international human rights continues to let down those waiting for justice. Baxi (2006: 179) notes how international declarations of achieving human rights (such as the 1966 Rome Declaration) entail 'comfort with 'uncertain truths' [that result] in an effete programme of action…[which] down the road exposes to full view the spectacle of masterly inaction by global hegemonic actors'. Even if action is being produced at a local level using ideas of human rights, these flaws in international uses and strategies of human rights continues to leave key moral crises effectively unaddressed on the global stage. Thus, the benefits of legitimacy, a common platform, international attention, and mobilisation are counteracted by the sometimes equally constraining, and ingenuine, character of the frame which reduces movements to a contest between competing claims, silences important values, or proves inflexible to the needs of actors (USAID, 2017). This is, of course, one reason why various movements across the Global South may use human rights frameworks only when it suits them.

These experiences and realities should also have important consequences for the actual concept of human rights. Although levels of fluidity exist in multiple concepts utilised in political and

social realms, there is an extent to how much fluidity a term like human rights can be allowed, particularly grounded in legal discourse as it is, before it becomes unhelpful. Perhaps some would suggest that this is just semantics. Human rights' politics works; in whatever form it comes it is effective. Does it really matter that, in order to be more effective in a specific context it is imbued with a variety of local meanings? Does it really change the value, importance and potential of human rights?

Well I would suggest there are two approaches to addressing these questions. One is to refer back to the importance of language in politics and the second is to turn to the scepticism that suggests that a concept that tries to do *too* much, to *include* too much, really turns out to be unhelpful (*à la* James Griffin (2001)). Looking at how language matters in politics may indeed suggest that it is not all just semantics. The language people use matters and the impact that a certain type of language can have is important (as I have tried to show in previous chapters). Secondly, an argument that sees the concept of human rights as something that is merely 'fluid', and able to incorporate an expansive list of concerns take us back to James Griffin's (2001: 306) discussion on human rights:

> It is not that the term 'human rights' has *no* content: it just has far too little for it to be playing the central role that it now does in our moral and political life. There are scarcely any accepted criteria, even among philosophers, for when the term is used correctly and when incorrectly. The language of human rights has become seriously debased.

And, the fact is, international human rights *does* play a central role in our moral and political life. It continues to be not just a framework that a considerable range of actors use to understand

justice and morality but a framework that constantly receives almost undivided mainstream attention. In a similar vein to Griffin, after outlining an argument in favour of recognising the way that human rights at a local level are socio-politically constructed, Estévez (2008: 255) questions: '[if] there are no foundations, what is the ethical basis for human rights and for further human rights construction? While social movements could use human rights discourse to advance their causes so too could governments and the powerful.'

Thus, while the international discourse of human rights may be one way for social movements to achieve aims of justice, importantly, it may not necessarily be the best way. Furthermore, while it is useful in the context of struggle to adopt a framework and utilise tools that allow for greater legitimacy and mobilisation of external actors, it does not suggest that the framework is the most useful for moving beyond this context; both locally and globally. It does not suggest that it is the best way to foster justice *after* the traditional process of correcting for injustice has been achieved, especially given the tension between certain important values. The actual disjuncture in the international human rights language and the use of the frameworks by activists instead suggests that there is the possibility that another 'language' could, for lack of a better phrase, do the job better. Just because an international framework of human rights can be manipulated to work in a context, this does not mean that it should be accepted as the most effective, useful or appropriate language. Other approaches need to be considered and an ethics of care, I would argue, is one of them.

If understood in this way, then taking into account the experiences and context of the Global South's use of human rights does indeed show that there is a greater complexity to the concerns raised by the two critiques and that altering the lens through which human rights is viewed does shed a different light on the topic. Yet, at the same time, it should be seen also to offer support for the argument that international human rights themselves are not enough. If you take into account the fact that the above recollections of social movements in the Global South had to imbue human rights with their own local meanings or that they used them simply strategically to facilitate other struggles (for a change to impunity, the return of loved ones, community organisation, solidarity and socio-economic rights), then the question of whether human rights are enough becomes obvious. They provided a useful framework at the time, but perhaps there could be a better way to express, and address, the struggles that continue outside of this frame. In addition to this, there continues to be pitfalls to the utilisation of international human rights frameworks by local groups. If these exist to continually reinforce the dominant international frameworks - moral, economic and political - then the inadequacies of these frameworks will simply continue to be reproduced and the 'powerful' will continue to be in control of meaning.

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Overall, the application and understanding of human rights may operate differently outside of an international approach and, as such, present a counterpoint to the critiques that this thesis has presented. If local-level human rights, particularly in the Global South, present greater opportunities for the adoption of the relational element of care ethics and, at the same time, they can pair equality and sufficiency in the way Moyn has envisioned, then they certainly provide

something for the critiques to consider. However, the experiences discussed here also open up a new dimension of the question of whether human right are enough. If the global agenda of human rights is often mismatched to local concerns, and in need of adaptation in order to fit these contexts, then there is something that needs to be changed at this level. It also points to the obvious conclusion that the universal doctrine of human rights cannot be a one-size-fits-all solution. We may even want to ask why the assumption existed that it could ever be. The arguments presented above need to be stepped out in more detail in future research, but the points highlighted here sustain the main arguments of the thesis. While human rights remain the dominant approach into which considerable attention is poured, the potential of alternatives are not given adequate space. This needs to be corrected. Despite the complexities introduced by the experiences outlined in this chapter, international human rights still contain a number of limitations, pitfalls and ambiguities that mean that, alone, they are not enough to combat key moral crises of today.

Six: Conclusion

This thesis has taken human rights and presented two contemporary critiques that find fault in the ability of the concept to adequately address current moral crises and to found a theory of moral reasoning moving forward. What has developed is an argument that human rights are not enough to be the starting point from where we form our ideas of moral theory and political and social policy. They do not provide a framework that recognises the indelibly dependent nature of human existence embodied by the ethics of care and they are ill-equipped adequately to counteract the growing radical inequality which has considerable social, political and moral consequences. Aside from critiquing human rights, an ethics of care also serves as a potential starting point from whence to reassess how we understand political and social realities. It offers insights into how we might approach the question of 'why inequality matters' that multiple actors are concerned with and it is a lens through which I see possibilities of expanding our ideas of motivation, power, vulnerability and language, amongst others.

To demonstrate this argument, this thesis has been engaged in a number of discussions across human rights, inequality and care ethics. This began with an outline of current, mainstream, international frameworks of human rights that situated all conversation to follow in a broad understanding of the main debates and actors at play. In the discussions on these frameworks, their strategies, and power dynamics, the chapter also began to unpack the beginnings of challenges to human rights frameworks with regard to the pursuit of justice and the resolution of

moral crises. Legal mechanisms, naming and shaming, and language - presented as the main tools of the discourse - were shown to have potential but, importantly, significant pitfalls. Some of these relate directly to the two critiques and some link to other debates that have not been addressed in detail in this thesis.

Building on this, the third chapter introduced and detailed the challenges of 'inequality' and 'care'. These two critiques do differ in a certain way. Inequality, argued to be unjust and detrimental in and of itself, is a phenomenon which is increasingly prominent, and overwhelming, in contemporary society. In the inequality section, the debate of how effective international human rights have been, and can be, was laid out. Ultimately, this thesis suggests that these frameworks are insufficient, on their own, to combat widening inequality based on the evidence and reasoning presented.

In a way, relational and dependent-based understandings of human nature, or lack thereof, embodied by an ethics of care, are also a phenomenon in society - but in a different way to inequality. This concern is far more directed at the moral theory and reasoning upon which human rights international discourse is based and with which it is associated. It is a slightly more coherent and homogenous critique to present - as was done in the care section in Chapter Three. At the same time, when combined with the specificities of human rights it reaches a similar conclusion that human rights are not enough, alone, to take on what these authors argue, and this thesis proposes, is a crucial element of human nature with regard to the attainment of just and peaceful societies.

Ultimately, these two traditions provide different, but equally valuable, challenges to mainstream, international human rights discourse.

In showing why these two are more than just equal but separate critiques, Chapter Four placed them alongside one another and discussed a number of themes. While I recognise that each of these themes, and the lines of reasoning presented within them, require considerably more detail and research, each one contributed to the conversation around the links between inequality, care, and neoliberalism. In addition, they contributed to presenting the potential of an ethics of care to be pursued as an alternative - both to international human rights discourse and to the conclusions of the dominant moral theory upon which they are based.

Finally, in recognising the complexities that abound in a discourse as vast and multidisciplinary as human rights, Chapter Five returned to some distinctions mentioned in the second chapter. Specifically, the tensions and interactions between local versus international actors and - crucially - the contexts in which human rights are actually enacted and understood. It found that experiences from the Global South did shed some doubt on the inadequacy of human rights to deal with inequality and the relational nature of individuals. This is because local actors tend to use human rights' concepts but reconstruct and shape them to embody their specific values and struggles and, at the same time, strategically adopt international frameworks in ways that best suit them. The implications of this direction of discussion was manifold. On one hand, it presented an important argument for the need to be careful when critiquing 'human rights' and to

incorporate evidence that looks directly at *how* human rights are actually enacted outside of international discourse. On the other hand, it raised some new questions: does the change in the ideas of human rights, imbued by local meaning, change the concept itself or have implications for the global discourse? Does the use of human rights only when convenient and only when including local interpretations have consequences for the idea of international human rights? And, does the disjuncture between approaches and uses not leave openings for considering alternative theories of moral reasoning and action? A line of reasoning was presented that argued that the attention given to human rights can obscure the adequate consideration of alternatives and that the 'fluidity' of human rights, even if adding complexity to how it is critiqued, is problematic. In addition to this, the flaws still prominent in the use of international human rights frameworks at local levels were relayed. Overall, while opening new avenues of consideration and question, the chapter concluded with the argument that international human rights and their frameworks remain inadequate and that there are openings for the consideration of alternatives - or specifically, for the ethics of care.

Moving forward, the language, frameworks and overall approach of an ethics of care - through elements like vulnerability, empathy and relational autonomy - provide a potential lens through which to better understand certain contemporary moral crises like inequality. A lens which can also be used to construct a more effective approach to moral reasoning and justice.

One final point worth outlining here is that the ethics of care still faces considerable opposition. This is not just from ardent supporters of Kantian proposals, or neoliberal and rational choice

theory, but also from those who note the importance of the concerns raised by care ethicists, but who suggest that an ethic of care is not be the appropriate way to address these concerns. Mendus (2015), in a direct response to Virginia Held's ethics of care proposals, echoes her concerns and praises her imaginative approach. However, she still questions the appropriateness of such an approach to correct for the problems in contemporary society. This is namely for two reasons: one, the ever-present skepticism over whether the valuable ideal of care can actually be extended from the personal to the global and, two, whether in the case of such an extension care becomes more of a vice because of its potential to become 'patronising at a political level' (Mendus, 2015: 651). Both concerns are not novel critiques of the ethics of care and have been reiterated in both the problem of fostering real and effective compassion and care for 'distant' others, and in the fear that care at a higher or wider level simply manifests itself as condescension that is 'potentially, humiliating and degrading' for the receivers of such care (*Ibid.,* 651). These two main critiques of the ethics of care are still persuasive.

Yet, I believe they can find adequate response in a number of threads. First, in the discussions, championed by Michael Slote, around the role of empathy as opposed to simply compassion or sympathy. Second, by clarification that an ethics of care is not solely about the need for the 'better off' to *care more* about the 'worse off', well-articulated by Fiona Robinson in her outlining of a critical ethics of care. And, third, in emphasising the question of how much is really added by reiterating all moral concerns in the language of rights, particularly when it comes to the very real question of people's motivations. These will all be better explored in research to come.

Finally, in drawing on Joel Feinberg's arguments for the valuable connection between the action of claiming rights and one's self-respect and dignity, mentioned earlier in Chapter Three, Mendus suggests that this is missed when using an ethics of care. She (2015: 651) quotes Feinberg at length:

> To have a right is to have a claim against someone whose recognition as valid is called for by some set of governing rules or moral principles. To have a claim in turn is to have a case meriting consideration, that is, to have reasons or grounds that put one in a position to engage in performative and propositional claiming. The activity of claiming, finally, as much as any other thing, makes self respect and respect for others, [and] gives a sense to the notion of personal dignity.

While this is not disputed here as an important argument, it is worth bringing in what was said by Feinberg in an earlier chapter. The above may indeed be his main argument, but it is also him, in a 'postscript', who suggests that, in the words of Osiatynski (2009: 208):

> ...[if] we were always to enforce all our rights and could never waive them, the world would be an inhuman place, devoid of love, compassion, giving, and forgiveness. No bonds would form on the basis of trust. There would be no affection at all.

This suggests the importance of these elements to human existence even from an author convinced of the crucial connection between claiming rights, and self-respect and dignity. This thesis has in part tried to show that these 'bonds' are not something that comes later, after the claiming of rights has been established entirely just societies. These bonds are the very

foundation upon which people think, act and are motivated to act and they are the lens through which we should now try and create a solution to current moral crises.

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