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Michael Ignatieff[*]

Anyone who writes a book hopes that it will find readers who take it seriously, whether they agree or not. In this symposium, I have found such readers—John Tasioulas, Octavio Luiz Motta, Ashwini Vasanthakumar and Guglielmo Verdirame. I want to thank them for the attention they've devoted to my work.

Before I reply directly, it is worth setting out the context of my work and explaining the questions it was trying to answer. *The Ordinary Virtues: Moral Order in a Divided World,* was commissioned in 2014 by the Carnegie Council on Ethics in International Affairs to ask whether the economic globalization that made Carnegie his fortune had produced moral globalization, whether a global ethic had emerged and whether human rights had become its core. In an earlier work of mine, I had called human rights 'the lingua franca of global moral thought.'[1] Now the task was to test my own assertion and find out whether it was true.

The existing historiography of human rights has had little to say, in fact, about the impact of the human rights revolution upon the moral attitudes of ordinary people. It has focused instead on the ratification of treaties, the diffusion of rights-based constitutions in newly democratizing states, the creation of human rights nongovernmental organizations and the impact of these developments on state practice. Fine research by human rights scholars—Oona Hathaway, Beth Simmons and Kathryn Sikkink, to name but three—has investigated the impact these human rights instruments have had on the behaviour of states.[2] States adopted human rights instruments because adoption signalled belonging to the international order and because the dues for belonging were not onerous. Once these instruments became part of domestic law, activists used

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[1]   Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton University Press 2001) 53.
[2]   Beth A Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge University Press 2009); Oona Hathaway, 'Do Human Rights Treaties Make a Difference?' (2002) 111(8) *The Yale Law Journal* 1935–2042; Kathryn Sikkink, *Evidence for Hope: Making Human Rights Work in the 21st Century* (Princeton University Press 2017).

them to defend the rights of citizens and non-citizens at home. This domestic constituency then drove state practice towards incorporating new international norms.

A complementary narrative interprets the human rights revolution as a response to the Holocaust and the cost that European society had paid for the absence of a legally codified set of moral universals to control the destructive force of European nationalism. As an example, it can be shown that specific articles of the Universal Declaration of Human Rights respond directly to the experience of the Nuremberg Laws of 1935, stripping Jews of German citizenship.[3] The collective security provisions of the UN Charter, similarly, were the response of the victorious Allies to the German crime of aggressive war.

The role of the Holocaust in diffusing human rights has not gone unchallenged. The legal scholar and historian, Samuel Moyn, has argued that human rights became 'the last utopia' only in the 1970s, as a substitute for activists disillusioned by the impasse of progressive politics at home. Young people committed themselves to human rights causes because moral commitment became easier the further you were from the countries and causes you cared about. Whether or not you accept that human rights spread as a displacement activity by liberal progressives, there is little doubt that this style of activism, in which educated elites made common cause with persecuted peoples far away, helped diffuse human rights norms around the world, especially through the creation of giant new organizations like Human Rights Watch and Amnesty International.[4]

Moyn also argues that it is a mistake to assume that the chief bearers of human rights discourse were exclusively liberal or progressive. Conservative Catholic humanism played an equally large role.[5] The Universal Declaration and the European Convention would never have worked their way into international law without the vital support of conservative capitalist parties, in North America and Europe, concerned with the ideological challenge posed by Soviet totalitarianism.

All of these accounts—whether they emphasize evolving state practice or ideological formations in liberal and conservative circles—are relatively Eurocentric. Kathryn Sikkink has been distinctive in emphasizing the constitutive role of Latin American lawyers, activists and intellectuals in creating the Latin American institutions of human rights enforcement.[6] But apart from Sikkink, there has been relatively little discussion, until recently, of non European influences in the shaping of post 1945 human rights, in particular the decisive role played by the independence elites of Africa and Asia who led the struggle for liberation from European imperial rule.[7] I shall return to their role shortly.

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3   Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton University Press 2001).
4   For competing and contending versions of human rights history since 1945, see also Aryeh Neier, *The International Human Rights Movement: A History* (Princeton University Press 2012); Stephen Hopgood, *The Endtimes of Human Rights* (Cornell University Press 2013).
5   Samuel Moyn, *Christian Human Rights* (University of Pennsylvania Press 2015).
6   Distinctive but not unique. See also, among others, Tom Farer, 'The Rise of Inter-American Human Rights Regimes: No Longer a Unicorn, Not Yet an Ox' (1997) 19(3) *Human Rights Quarterly* 510–46; Kathryn Sikkink, *Mixed Signals: US Human Rights Policy and Latin America* (Cornell University Press 2004).
7   See Steven L Jensen, *The Making of International Human Rights: The 1960's Decolonisation and the Reconstruction of Global Values* (Cambridge University Press 2016); Roland Burke, *Decolonization and the Evolution of International Human Rights* (University of Pennsylvania Press 2010).

What also drove the human rights revolution has been pressure from below, from social strata outside the elites. The US civil rights revolution of the 1950s and 60s, the Solidarity and Civic Forum movements in Eastern Europe in the 1970s, the Plaza de Mayo widows in Argentinian the 1980s, the anti-apartheid movements of the late 80s and 1990s inspired each other and in turn forced reactionary states into human rights concessions.

If this is the human rights revolution—new international instruments and organizations, new social movements, new state practice—the question then becomes what impact this revolution has had on the moral awareness of populations outside the policy elites. This became the ruling question of *The Ordinary Virtues* project.

Once you leave elite circles in which human rights is indeed a lingua franca, it is difficult indeed to identify a methodological strategy that would capture their diffusion beyond that circle. One commentator in this volume, Octavio Luiz Motta, asks 'what methodological strategy could be employed to reach plausible conclusions' about the vexed issue of the general moral diffusion of human rights. He is critical of the methodology or lack of it, in *The Ordinary Virtues*. This is fair, yet it may mistake the book's intent, which was less to answer its starting questions so much as to learn how to pose them properly, i.e. in the right historical context. A second point would be that there are methodologies for answering the question that might exclude what is most interesting about the question itself. One possible strategy would have been to analyze data from the time series in the World Values Survey that stretch back to the 1980s.[8] Data analysis might establish to what degree there was has been convergence across the world's regions, language groups and nationalities on moral indicators like respect or attitudes towards equality. Another method would have been to conduct our own smaller sample survey research with a structured questionnaire in the different regions we visited. Some scholars have already used structured opinion research to ask people what role human rights plays in their moral thinking, in different settings around the world.[9]

Either approach would yield useful data, but it would be likely to yield generalizations about value preferences that might not hold true when tested in specific situations. Attitudes towards moral values in the abstract are one thing; actual ethical decision-making in concrete situations is another, and it was the messy business of actual ethical behaviour that interested the Carnegie project.

What we wanted to study is what ordinary people, in practical settings, understand moral virtues to be, how they display them in real life settings and above all, whether

8   www.worldvaluessurvey.org. For two uses of world values surveys, see Pippa Norris and Ronald Inglehart, *Sacred And Secular: Religion and Politics Worldwide* (Cambridge University Press, 2004); also Ronald Inglehart and others, *Human Values and Beliefs: A Cross Cultural Source Book* (University of Michigan Press 1998).
9   James Ron and Emelie Hafner Burton, 'Seeing Double: Human Rights Through Qualitative and Quantitative Eyes' (2009) 61 *World Politics* 360–401; James Ron and others, *Taking Root:Human Rights and Public Opinion in the Global South* (Oxford University Press 2017).

human rights figures, as law, discourse or ethical principle in the way they think through what virtue demands in particular circumstances. What counts is not so much what people say they believe in answer to a questionnaire, but how they make moral judgments in actual situations. Evaluating why they make such decisions is hard because separating how they *justify* what they are doing from what may actually be *motivating* them is difficult. You need to listen a long time before you can unspool the tightly wound skein of emotions, reasons, fears and fantasies that propel each of us to decide as we do.

Our method could be called a participant observer's micro-anthropology of moral judgment. We travelled to as many representative regions of the world as we could and listened to as many people as we could in settings where they could observe how certain moral virtues—trust, forbearance, resilience, tolerance—were displayed in action. What we wanted to know was the extent to which these virtues were shaped by the discourse of human rights. We spent weeks on location, talking to as many people as we could, listening to conversations—in shacks, favelas, classrooms, church halls—on the moral issues that were top of mind for our interlocutors. Some of these were selected long in advance, on the basis of their published work or their roles as community leaders. In other cases, our interlocutors were people we met on the road, sometimes by chance.

It soon became apparent that there were such recurrent patterns: virtue was virtue, whatever language we were listening to. Goodness, tolerance, patience, forbearance were recognizable wherever we went, but it doesn't follow that these patterns derived from, or were dependent upon, a globalized pattern of moral values or a converging set of ethical principles. All it meant was that in local situations, around the world, you could recognize trust and tolerance when you saw it.

Our method yielded one central result. No one, no matter how poor, disempowered or marginalized, ever doubted that their opinions mattered. No one ever asked us why we thought that their views counted. They all took their own moral significance for granted. We knew this from the way their eyes met our gaze, from the way they welcomed us into their dwellings, from the manner in which they took our questions seriously, from the way they argued with us, rebutting our presumptions, insisting on their own point of view. This finding—whether in a poor neighbourhood in Queens New York or a favela in Brazil—struck us as the most important conclusion of our research.

Our hypothesis is that this assumption of moral significance reflects the revolution in human expectation that has occurred since 1945. People everywhere now expect to be treated as morally significant. They expect to be listened to and their voice to be heard. We have left a world forever in which some people, by virtue of race, creed, gender, sexual orientation or other difference, accept to be silenced, rejected and despised. These groups may continue to experience rejection and injustice, but it is no longer part of their moral universe to accept it. The lived reality of injustice, poverty, discrimination and exclusion stubbornly endures, but this reality is lived within a moral framework of moral impatience. When an interlocutor in a Brazilian favela or a South African

shanty-town told us, 'they treat us like garbage', ('they' meaning police, municipal offi-cials, employers) their moral intuition was that this was deeply wrong. While it might have to be endured, it could not be justified. People put up with injustice, but they are not resigned to it: no viable moral code tells them to accept this as their lot in life. Moreover, in the poorest favelas and shack settlements, they will seek to reproduce a micro-order among neighbours, associates or family members to make life bearable on the basis of conditional reciprocity and limited respect.

If there is a global ethic across cultures, religions, races, nationalities, this ideal—of the equal moral significance of individuals and the micro-orders it produces—might qualify as the leading candidate.

Doubtless there remain excluded groups—women in some conservative Muslim theocracies, persecuted minorities in China, the very poorest of the poor everywhere —who have not yet been allowed to feel the stinging but also emancipating force of their own moral worth. Those who claim equal moral significance for themselves see no contradiction in denying moral significance to those of lower social or economic status beneath them.

But with all these qualifications, the idea that all human beings have equal moral sig-nificance has developed so widely as to mark a revolution in human affairs, as important in its way, as increasing life expectancy, declining child mortality and other socio-econ-omic improvements for millions of people since 1945.

The question then becomes: how to explain it? To what history does this moral revo-lution properly belong? More precisely, what role has human rights played in spreading this ideal among ordinary people?

It became apparent to us that if human rights mean the structure of treaties, conven-tions, legal instruments, and the devoted activists who seek their enforcement, all of this figured little in our interlocutors' discussions. In this specific sense, human rights as a professional discourse of a select group did not figure at all in our interlocutors' discus-sions. It should not be surprising that human rights, when conceived in this way, did not figure significantly in the terms that our interlocutors used. Indeed, they hardly used any such language at all.

But this in itself does not resolve the question of whether human rights has influ-enced the moral thinking of ordinary people since 1945. Some of the commentators on the book take my conclusion to mean that human rights don't matter in contempor-ary moral awareness, but this is not my conclusion. Human rights has had a large impact, but one that does not figure directly, through use of human rights terminology in ordinary speech, but registers in a more diffuse way as a change in moral expectation reflecting the force of wider historical change connected with the end of empire.

Human rights emerged from the new moral world ushered in by decolonization and the end of imperial rule. Human rights was one of the forces, alongside nationalism and democracy, expressing the simple idea that no race or people is born or entitled to rule. This epochal change in moral understanding began in India in 1947 and Palestine in 1948, spread to Indonesia and the former Dutch colonies, to Africa in the 1950s, the

US civil rights struggles of the 1950s, continued through the collapse of the Portuguese empire in the 1970s and concluded with the fall of the Soviet empire in 1991 and the dismantling of South African apartheid in 1994. We are still in the throes of this momentous change, and *Ordinary Virtues* can be seen as an attempt to understand what the post imperial convulsion in global authority has done to ideas of racial, ethnic or national superiority.

The end of empire, of course, was not a simple morality tale about the triumph of human rights. Decolonization happened because of imperial exhaustion and overstretch at the end of World War II. It happened because local elites wanted power. But a critical factor was the collapse of the idea, within the consciousness of colonial elites themselves and their subject peoples that some races or peoples were born to rule. Once that structure of belief collapsed, the days of white rule were numbered. Human rights was one of the languages that invalidated the rule of white men, but it was only one of them. Nationalism was the other powerful ideological driver. Nationalism and human rights can be likened to 'brother enemies': paired discourses that allied together in the struggle to create independent states and then broke apart later as nationalist elites took power and showed their often exclusionary hand.

 Both nationalism and human rights articulated a primary moral impulse—the longing to be 'masters in your own house'. This aspiration to equality with other peoples, went hand in hand with the aspiration to be free as an individual, and it is here—powered by the national liberation movements of the 1950s and 1960s—that the moral ideal of equal moral worth, first of races and nations, and then of individuals, began to spread across the globe. The end of colonial rule gave millions of people deep personal validation as individuals.

The anti-colonial struggle found in human rights the privileged language for its demands for equality. In the International Covenant on Civil and Political Rights and the Covenant on Social and Economic Rights—drafted during the decolonization era of the 1950s—the first human right that both covenants list is the collective right of self-determination of peoples.[10] This was how the newly independent states of Africa and Asia understood liberation: individual human rights followed from and were dependent upon the primary value of state independence.

After 1989, this self-determination revolution swept across the last remaining land empire—the Soviet—setting off violent struggles for national self-determination in the Balkans, the Caucasus and Central Asia. It resulted in the fragmentation of Yugoslavia and the emergence of six ethnic majority states. In the more peaceful transitions in the rest of Eastern Europe, the newly liberated states re-wrote their constitutions and sought reintegration into a European framework of individual constitutional rights and democracy. This was the brief interlude in which it was not laughable to talk

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10   Paul Gordon Lauren, *The Evolution of International Human Rights* (University of Pennsylvania Press 2003).

about liberal democracy becoming the universally shared destination of human history.[11]

To re-frame the history of human rights, in its impact upon ordinary virtues, as the story of the emergence of a post-imperial norm of collective and individual self-determination is not to airbrush away the unintended consequences of human rights' triumph. When the ideal of collective self-determination reached the Balkans in the 1990s, for example, it resulted in an orgy of mass killing and ethnic cleansing. These horrific events, in their turn, engendered a 'liberal interventionist' response—the use of human rights to justify coercive military intervention. The successful uses of human rights to justify intervention in the Balkans then encouraged the use of human rights language to justify the overthrow of Saddam Hussein in 2004.

A human rights language began life after 1945 as an anti-imperialist discourse and entered the 21st as the rhetoric of liberal imperialism. As an aside, I was not a bystander in these proceedings, but an active participant as a member of the International Commission on Sovereignty and Intervention that crafted a doctrine justifying intervention in terms of a 'responsibility to protect.'[12] I did argue in 2003, though other members of the Commission disagreed, that Saddam Hussein's human rights crimes made him a threat to international peace and security, a threat which, *if* he possessed weapons of mass destruction, would justify the overthrow of his regime by force.[13] As it turned out, he no longer possessed weapons of mass destruction and the arguments for regime change were based on a falsehood. The consequences of the Iraqi intervention were terrible, and the legitimacy of international human rights suffered as a result. As a result of Iraq—and also of Libya—the pendulum of moral consensus has swung sharply against intervention and the use of human rights as the grounds for doing so.

The Iraq tragedy certainly has made everyone, especially me, skeptical about intervening in complex human rights realities like Myanmar. Here is a country led by someone who owes her own freedom, in part, to international human rights activism and yet she has solid support inside her country for her hostility to external human rights pressure. This raises the question of why international human rights should have so little standing inside Myanmar.

In our research in Myanmar, we found that the more insistently outsiders proclaim transnational moral standards, the more insiders demand respect for the ordinary virtues—of loyalty to tradition and ethnic identity. Ashwini Vasanthakumar takes me to task for 'handwringing' about the standing of human rights activists but my point is not that international human rights activists should fall silent, but rather that they need to understand just how forcefully human rights norms themselves—in this case

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11   Francis Fukuyama, *The End of History and the Last Man* (Simon and Schuster 1992).
12   'The Responsibility to Protect' in *International Commission on Intervention and State Sovereignty* (Queens Printer 2001).
13   Michael Ignatieff, 'The Burden' *New York Times Magazine* (5 January 2003); 'Mirage in the Desert' *New York Times Magazine* (27 June 2004); 'The Uncommitted' *New York Times Magazine* (30 January 2005); 'Getting Iraq Wrong' *New York Times Magazine* (3 August 2007).

nationalist self-determination—turn against human rights activism itself, challenging the legitimacy of any moral framework that issues from someone who is 'not one of us.'

My emphasis on the post-imperial character of our moral world and its attendant contradictions, is a different account of globalization than one that links the diffusion of human rights to the global penetration of the capitalist cash nexus. As Guglielmo Verdirame points out, in his commentary, economic change has globalized the moral preconceptions of transnational, educated and mobile elites and spread these attitudes through large swathes of an emerging global middle class. The ethical reasoning of both elite and middle class groups reflects the accelerating convergence of lifestyle, technology and experience in the world's global cities. But the moral attitudes of enlightened entitlement engendered among these elites has run headlong into the resentment of those left behind. Electorates in the United States, Britain, France, Brazil and Germany are rising up against falling real wages, declining life expectancy, elite corruption and increasing inequality. Populism, on this reading, is thus a product of globalization and a rebellion against it. It articulates the nationalist demand 'to take back control' from globalizing elites while in its hostility to outsiders, migrants and refugees, it sets 'the ordinary virtues—love of one's own, loyalty to one's tribe, locality and ancestors— against the cosmopolitan norms of duty towards strangers.

Populism calls into question any assumption of a mutually reinforcing relationship between human rights and the ordinary virtues. John Tasioulas speaks, for example, of popular ethics and human rights law being in a virtuous circle of interdependence. On this analysis, human rights codifies what ordinary people feel they owe to other human beings and human rights, once embodied in domestic constitutions, then protects the social fabric that makes virtue possible. As Tasioulas writes, 'part of the reason we have human rights … is precisely because they serve our interest in being able, among other things, to develop ordinary virtues such as trust, benevolence and integrity.' This mutually reinforcing relationship between law and ordinary virtue may work inside stable liberal democracies, but it comes apart when the duties in question relate not to citizens but to strangers at the gate. At this point, the ideals of national self-determination, articulated in the practices of democratic sovereignty, come into conflict with transnational obligations mandated in human rights.

In the moral hierarchy of ordinary virtue, duties to citizens come first, while duties to strangers come a distant second. Citizens may accept a duty of benevolence towards strangers in need, especially those fleeing famine, war or ethnic cleansing, but they tend to construe these as an imperfect obligation—a charitable duty—that flows from the virtues of compassion. This is what I mean when I contrast the language of 'the gift' to the language of rights. Even in immigration-friendly countries like Canada, citizens tend to think of their obligations to foreigners as the charitable duty of a compassionate people. They are much less welcoming to the idea that they owe a duty to rights-bearing foreigners.

John Tasioulas thinks that this conflict between a rights perspective and an ordinary virtues perspective can be mitigated. It must be true, he says, that rights based duties to

strangers can be limited by what is politically feasible and thus by limits on how many strangers a country can absorb at any time. As he writes, 'if there is absolutely no limit to the refugees that a country is required to take, then this seems an infeasible demand.' In practice, a wise immigration and refugee policy, one that maintains domestic legitimacy, will impose upper limits, defined in democratic debate, about how many strangers citizens should be obliged to take in at any given time.

Yet while the conflict between transnational obligation and primary loyalty to one's own can be mitigated by good politics and smart public policy, the conflict remains. The fact that populist politicians both exploit and caricature this conflict for their own ends does not mean it is a figment of their imaginations. There is a larger conflict than many human rights advocates would admit between the nationalist ideal of democratic self-determination—itself a human rights principle—and the ideal of duties towards human beings as such beyond a nation's borders. That is why, in conclusion, it makes sense to see human rights not as a reflection of the ordinary virtues, but rather as a counter-weight to the particularism and localism of ordinary moral reasoning. Human rights remains vital as a legal counter-weight to majoritarian moral prejudice. These prejudices are often justified in the language of ordinary virtue, the intuitions of a local 'we' against a 'them', composed of hostile and fearful strangers at the gates. My argument is that human rights has established a dialectical relationship with the ordinary virtues: it articulates an idea of equal moral worth which, since the end of empire, has become the starting position of most ordinary people's moral reflection; and second, as a language of universal moral solidarity, human rights exerts a counter-majoritarian pressure against the inertial direction of the ordinary virtues, which is to privilege those closest to you at the expense of those further away. Ordinary virtue does not want to hear the claim of strangers but it should. We do not want to live in a world where the voice of human rights falls silent before the defensive certainties of the ordinary virtues. If I can indulge in a prediction, I don't think we shall.