

When Neoliberalism Hijacked Human Rights

 jacobinmag.com/2020/01/morals-markets-human-rights-rise-neoliberalism-jessica-whyte



Jessica Whyte begins *The Morals of the Market* with an anecdote about the 2017 Grenfell Tower fire that is simultaneously horrifying in its crassness and blandly familiar. In the wake of that devastating fire which killed seventy-one people and left hundreds homeless, Jeremy Corbyn quite reasonably suggested that empty investment properties in this upper-class, West London neighborhood might be requisitioned to house survivors currently sleeping on floors in churches, mosques, and local halls.

The temerity of this proposal sparked outrage among the propertied and the invested. It prompted Conservative Party peer Daniel Finkelstein to compare Corbyn to Hugo Chávez in an op-ed for the *Times*, which argued that the solution to Grenfell lay in the Human Rights Act. Human rights protections exist, he continued, precisely for such an occasion: so that people “can secure their individual liberty — in this case, their property — when the popular will is against them.”

It would be easy, Whyte notes in her introduction, to dismiss Finkelstein’s use of human rights language as baldly cynical and self-serving, a response all too common among academics when confronted with the hypocrisy of public figures like Finkelstein, Niall Ferguson, or Thomas Friedman. Such dismissal, however, fails to grasp the way Finkelstein’s take on human rights “has a long lineage among neoliberal politicians and thinkers.” Indeed, as Whyte demonstrates, this neoliberal understanding of human rights

evolved historically alongside and in relation to those “true” human rights that would seem to adhere most logically to a tragedy like the Grenfell fire: the right to adequate housing or the right to water and sanitation.

The Morals of the Market thus traces and analyzes this braided development, emphasizing the “historical and conceptual relations between human rights and neoliberalism” that emerged in the wake of the Second World War and hit their stride in the 1970s and ’80s. Rather than treat human rights and neoliberalism as two distinct, global logics — one best expressed in the words of the Universal Declaration of Human Rights (UDHR), the other in Margaret Thatcher’s withering pronouncement that “there is no alternative” to austerity — Whyte illuminates how human rights “became the dominant ideology of a period marked by the demise of revolutionary utopias and socialist politics.”

Beautifully written, theoretically sophisticated, and excoriating all at the same time, Whyte’s book follows the efflux of this ideology, from its origins in the 1940s, through the postwar period, the Chicago Boys’ involvement in Chile, the rise of Amnesty International, and the perverse anti-Third Worldism and anti-statism of human rights NGOs in the 1980s. Of course, she is not the first scholar to query the convenient overlap between human rights and neoliberalism. Samuel Moyn, for instance, describes human rights as “powerless companions” of a global, neoliberal economic agenda. Likewise, Wendy Brown observed in 2004 that neoliberalism and human rights seem to “converge neatly” in order to legitimize an imperialist agenda of global free trade.

But neither Moyn nor Brown fully interrogate this convergence, and the result is a lingering puzzle, a sense, in Moyn’s words, that the neoliberal politics of late twentieth-century human rights NGOs emerged “seemingly from nowhere.” In Brown’s case, the copacetic relationship between neoliberalism and human rights that she observes is simply contradicted by her more common claim in *Undoing the Demos* and elsewhere: that neoliberalism is, as Whyte explains, “expressly amoral at the level of both ends and means,” an ideology that relies exclusively on an account of human essence as *homo economicus*. By contrast, Whyte argues, what “distinguished the neoliberals of the twentieth century from their nineteenth-century precursors” was not “a narrow understanding of the human as *homo economicus*, but the belief that a functioning competitive market required an adequate moral and legal foundation.” Exploring the origins of this moral understanding in the 1940s and linking it to a distinctive neoliberal account of human rights, she argues, helps illuminate the puzzle of neoliberal human rights later in the century.

By blending historical inquiry with theoretical critique, Whyte’s account clarifies that neoliberal human rights did not emerge “from nowhere” but, rather, flowed from a long-standing, self-conscious, neoliberal tradition of forging rhetorical links between market morals and human rights. That today we live in a world where the human rights of Grenfell Tower victims — largely black and brown residents of a design-flawed social

housing unit — are considered on par with the human rights of absentee Kensington landlords suggests just how successful the ideological merging of those two conceptual worlds has been.

Whyte thus begins her book by taking her readers back to 1947, the moment when “the UN Commission on Human Rights met for the first time at Lake Success.” There, “a group of economists, philosophers, and historians were gathered together across the Atlantic in the Swiss Alpine village of Mont Pèlerin to consider the principles that could animate a new liberal order.” She argues that, unlike more traditional nineteenth-century champions of laissez-faire economics, early Mont Pelerin Society (MPS) founders like Ludwig von Mises and Friedrich Hayek believed that preserving the integrity of the market required sanctioning certain kinds of state intervention.

But differentiating between what they saw as bad kinds of state intervention (e.g. intervention to redistribute wealth and fund social services) and good kinds (e.g. intervention to force privatization of public goods or prohibit the nationalization of natural resources) required the cultivation of a distinct legal and moral market order. In other words, threading the needle between good and bad modes of state control necessitated that the founders of the MPS theorize an extra-economic vision, a moral order in which “their own account of human rights” served as “moral and legal supports” for a state that could strategically intervene and withdraw when necessary. This needle-threading agenda produced a litany of torqued ideological equivalences that today amount to neoliberal moral truisms. For instance:

- Politics are always violent, but the market is always peaceful.
- Freedom is only possible in a market society.
- Human dignity and human inequality are not in contradiction.
- Totalitarianism and redistribution inevitably go hand in hand.
- Imperialism is not the highest stage of capitalism.

The understanding of human rights developed by the MPS thinkers reflected these truisms and are most likely, Whyte argues, what Milton Friedman had in mind in 1992 when he claimed there was “no doubt” that the original purpose of the society was to “promote a classical, liberal philosophy, that is, a free economy, a free society, socially, civilly, and in human rights.” Again, as with Finkelstein’s crass reaction to the Grenfell fire, it is tempting to dismiss the Pinochet-loving Friedman out of hand as a hypocrite. But Whyte insists that dismissing Friedman here means missing a vital opportunity to learn more about the internal logic at work in a notion of human rights which, at this point in history, has become mainstream (even self-evident) for many human rights NGOs.

As chapter one illuminates, neoliberals at Mont Pelerin crafted their approach to human rights in fraught relation to the UN Commission, using language that mirrored language in the preamble to the UDHR. With the authors of the UDHR, they declared “human dignity and freedom” to be the “central values of civilization” and worried that these values were currently in danger.

But, as Whyte's archival exploration reveals, for MPS thinkers, the word "civilization" was not only explicitly Western and racialized — with putative foundations in "Greece, Rome, and Christianity" and the "basic individualism" associated with "Erasmus, Montaigne, Cicero, Tacitus, Pericles, and Thucydides." It also entailed a commitment to free-market capitalism that, MPS thinkers argued, was currently endangered by both Soviet Communism and by the very real possibility that states emerging from the yoke of European imperialism — from settler violence, resource extraction, land dispossession, predatory taxation — might now choose to move in distinctly anti-capitalist directions.

Whyte's historical analysis exposes how the MPS founders made explicit links between, for instance, the values of "civilization" and the imperialist logic of the League of Nations' mandate system which claimed to support "peoples not yet able to stand by themselves under the strenuous conditions of the modern world" by forcing "open-door" trade policies on them. As Whyte demonstrates, neoliberals honed their approach to "freedom" as a human right by tying it directly to market freedom from state control which they then used to excoriate postcolonial governments when they attempted, for instance, to nationalize their natural resources.

The Morals of the Market thus illuminates links in an ideological chain between the accumulation of capital under European colonialism, the emergence of neoliberal human rights in the 1940s, the triumph of a global neoliberal economic agenda in the 1970s/80s, and the simultaneous success of human rights NGOs such as Amnesty International and Médecins Sans Frontières (MSF) during the same period.

In the most devastating (and thus, inevitably, most controversial) chapter of the book, Whyte explores the connections that developed in the mid-1980s between the MSF and its "research center," the deeply neoliberal Liberté sans Frontières (LSF). The center was established, Whyte demonstrates, to challenge "the affirmations of postcolonial sovereignty and economic self-determination" of Third Worldist arguments at the time. Springing from the same logic that once prompted Fanon to observe, "Europe is literally the creation of the Third World," Third Worldism — as a movement and school of thought — aimed to address the profound disparity in global wealth and resources caused by hundreds of years of European looting. And yet even Third Worldism's moderate, institutional iteration, the UN-sanctioned New International Economic Order (NIEO), was too radical for the LSF and its neoliberal allies. The LSF produced pamphlets criticizing the NIEO "for promoting 'simplistic' theses that blamed underdevelopment" on the West.

While in the midst of discrediting Third Worldism, Whyte argues, these NGOs were also doubling down on the neoliberal framing of "freedom" as freedom *from* state intervention and coercion. In addition, with Amnesty International, MSF and LSF echoed the neoliberal conviction that politics was inherently more prone to violence than civil (market) society which, if framed in the correct way, promoted freedom, peace, and prosperity. Whyte thus convincingly shows that rather than serving as neoliberalism's "powerless companions," key human rights NGOs of this era actively embraced a

neoliberal approach to freedom, twinned with a neoliberal suspicion of politics, that all too eagerly transferred the entirety of the blame for violence, instability, and poverty in the Third World onto Third World states themselves. Moreover, NGO embracement of neoliberal human rights gave, in Whyte's words, a "progressive gloss" to the anti-Third Worldist agenda of organizations like the IMF, the World Bank, and those Great Powers who supported their policies of abusive austerity.

This "progressive gloss" was especially useful for assuaging the consciences of metropolitan liberals who — in the wake of Vietnam, the genocide in Cambodia, and other obviously imperialist forms of US interventionism — were feeling a bit queasy about the postcolonial relationship of the West to the Rest. Finally, Whyte argues, their support for a blinkered, market-proscribed notion of "freedom" made these NGOs complicit in furthering neoliberalism's obfuscation of the actual "coercion and political intervention" necessary to uphold "existing 'free' market relations."

Ultimately, *The Morals of the Market* not only illuminates connections between neoliberalism and human rights, but it also opens the door to the kinds of historical and political interrogations of American imperialism in the postcolonial era that are absolutely essential at this moment in global history. From its earliest CIA-orchestrated intervention in the Middle East and Latin America, the United States has actively worked to overthrow the governments of dozens of states throughout the supposedly postcolonial era, often working hand in glove (as in Chile) with the most noxious authoritarian and neoliberal opponents of nationalization and redistribution.

While it might be tempting to join the ranks of public intellectuals like John Ikenberry, Michael Ignatieff, and Anne-Marie Slaughter as they shrink with horror from the specter of Donald Trump and the rise of global white nationalism — clutching ever more firmly at the pearls of an eternally innocent liberal world order — such responses do nothing to challenge the bubble of unseeing enabled by the myth of Pax Americana.

Whyte's brilliant piece of scholarship slices through this unseeing like a scythe, exposing the violence and ugliness sustained by a liberal world order in which neoliberalism and human rights work in tandem to sustain a toxic politics of deflection. At the end of the day, only by coming to terms with that historical complicity is it possible to imagine a different kind of human rights politics for the future.