Human Rights and Wrongs:  
A Critical Overview of Contemporary Human Rights Skepticism

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Introduction

The idea of human rights has taken on an almost unassailable position in contemporary political and philosophical discourse. Yet despite their overwhelming popularity human rights are not without their critics. Skeptics attack human rights from a variety of perspectives, whether as covers for Western or capitalist imperialism or emotionally appealing but practically useless abstractions. Despite the extensive literature on human rights, many of these criticisms have yet to be properly analyzed. This paper will attempt to construct a synoptic analysis, and argue that while such arguments are intellectually engaging, they contain only limited merit.

In order to restrict my paper’s scope a number of relevant issues will not be discussed. First, many scholars have flatly asserted that human rights do not exist, and are therefore an absurd policy to advocate and promote (Brown 1997; MacIntyre 1981). In the following essay questions regarding the metaphysical “realism” of human rights will not be addressed. While such claims can be intriguing, I believe them to ultimately be irrelevant. As philosopher Richard Rorty has remarked, “It is enough for us to know that we live in an age in which human beings can make things much better for ourselves” (1993). And as should be obvious, whether human rights can accomplish this task is an empirical (rather than a metaphysical) concern. Second, realpolitik critiques of human rights will be purposely avoided. While international realists have undoubtedly offered a number of influential arguments against human rights discourse, I have neither the
knowledge nor room to rehash this extensive debate (Donnelly 1998). Third, I shall restrict my paper’s scope from 1993 onward. It was then that a number of contemporary intellectuals wrote on the human rights movement, from which many of this paper’s arguments either directly spring or seek to respond to. Finally, this paper is meant to serve as a critical analysis and not a definitive investigation of each position; some of these criticisms have likely been more extensively evaluated elsewhere, but (as far as I have discovered) this is the first time they have been presented and categorized in a single essay.

**Human Rights Discourse and its Discontents**

It is somewhat puzzling why human rights skepticism has only gained minimal academic attention. This may be due to its grounding in a variety of very different philosophical and political traditions, and the subsequent difficulty of assembling an entirely coherent account of such diverse viewpoints. Nevertheless, the cases reviewed can generally be broken into five distinct categories. First, certain critics argue that human rights are an entirely Western concept, and imposing them on other societies is culturally hegemonic and potentially destabilizing. According to this thesis, while human rights advocates may believe their cause to be noble, they are actually modern emissaries of the “white man’s burden”. Other critics are even more cynical, and argue that human rights are merely a smokescreen for Western aggression, whether to extract natural resources or secure more favorable trading terms. Third, there are those who combine both views and posit human rights as a pernicious extension of the “neo-liberal project”. 
In this view, by stressing individual autonomy and constant calls for choice, human rights are potent tools for securing capitalism’s global expansion and systematic triumph.

While the preceding critiques dominate most of the current discourse, a number of skeptics have taken a considerably different route. These scholars believe human right’s greatest problem lies not in their inherent Eurocentrism but in their abstract and indefinite nature. Philosophers such as Richard Rorty and Stanley Fish, for example, contend that any abstract schema will be instrumentally hollow, and only successful after popular sentiments have already congealed around a particular issue (1993; 1999). It is grounded cultural and social practices that result in concrete action, not empty appeals to well-meaning abstractions. Finally, the philosopher Gilles Deleuze has taken this point a step farther and implies that human rights may even be dangerous; that such rhetoric may prevent more useful projects from emerging, egregiously distracting people from more concrete and everyday brutalities (2004). As I shall argue, I believe the first group of critics fatally overstates their case, while the second make a number of compelling but indeterminable claims.

**Human Rights as Cultural Hegemony**

Among the most prominent human rights skeptics are those who deny their universal applicability. Such critics contend that human rights are strictly a Western phenomenon, and neither should nor can be imposed upon different societies. Despite appeals to human right’s supposed global commonality, advocates of this view argue that “value exists only in a given cultural context”, and to act otherwise elevates Western liberalism over other forms of social order (Preis 1996, 291).
Scholars Makau Mutua and Ann-Belinda S. Preis specifically locate human rights “essence” in their attempt to protect individual actors from excessive government power. While this conception of individualism may be appropriate for Western societies, however, it disregards the more communal nature of Asian or Middle Eastern cultures (1996, 1995-1996). Mutua further decries what he labels human rights’ “damning metaphor”, or its “savages-victims-saviors constitution” (2001, 1). In this model any group that abuses human rights is seen as morally compromised and needs to be “corrected” by more responsible (i.e. Western) actors. Human Rights discourse is thus simply a more subtle form of colonialism, where civilized white nations must again teach savage “others” the proper way of behaving.

The philosopher Chris Brown extends this argument, alleging that human rights discourse is not only implicitly hegemonic but also instrumentally problematic to impose on non-Western societies (1997). Such ideals may primarily stress individual empowerment, but are only achievable if strong communal institutions are already in place. In Brown’s view this is why the United States presently finds itself in “deep trouble”; appeals to unfettered individualism have gradually weakened the nation’s social solidarity, and in doing so sapped the very framework on which its constitutional rights were once predicated (52). This is even more problematic in the cases of Russia and East-Central Europe, “where simply importing systems of rights without the institutions of civil society to support them” have led to tremendous social and economic upheavals.

Modern human rights discourse undoubtedly began as a Western conception, modeled after the natural right theories of Enlightenment thinkers such as Jean-Jacques Rousseau and John Locke. Yet even if we deny human rights universality (a purely
anthropological question) it does not follow that such principles are inherently hegemonic. The philosopher Charles Taylor, following the lead of theologian Jacques Maritain, concedes that while rights talk has “roots in Western culture” this need not necessarily insulate its application (1993, 1). Different societies can still agree on certain norms despite disagreement on their metaphysical foundations. While cultural “rhetorical tropes and reference points” may therefore differ dramatically, it is nevertheless possible to find common standards of conduct (9). As Taylor remarks, “an unforced world consensus on human rights” would acknowledge peoples’” profound sense of difference” but also embrace common goals towards alleviating human suffering. Human rights may have been formalized in the West, but the aims they strive for can surely be universally recognized

Further, Brown’s fears of unmitigated individualism seem too vague to hold much intellectual merit. His assertion that the U.S. is in “deep trouble” is neither explained nor justified, but seemingly treated as a matter of fact. Even more problematic is Brown’s reductionist claim that foreign rights alone destabilized Post-Soviet societies. The author offers no empirical proof for this, again treating an incredibly contentious claim as seemingly obvious. And while concerns over unfettered individualism have a long intellectual pedigree, a non-coercive human rights dialogue would surely address this (supposedly) dangerous potentiality.

1 Of course, this begs the question on whether such a dialogue is possible. Will agreed upon goals be too general to be meaningful? And how can power relations ever be adequately offset or discounted (especially when dealing with state actors)? The Universal Declaration of Human Rights certainly offers great hope, although calling it unforced is (to say the least) more than a bit of a stretch.
Human Rights as Political Hegemony

In his provocative essay “Terror in the Name of Human Rights” Tarik Kochi takes an even more cynical view of human rights than that of Mutua, Preis, or Brown (2006). While Kochi does not deny human rights can be beneficial, he is more concerned by their grave potential for abuse. According to the author, Western governments have used human rights discourse as a smokescreen for legitimizing their own selfish ambitions; rights are often invoked not to secure some greater social good but rather as a clandestine means to further specific political and economic interests. Human rights can thus act as an effective pretext for justifying everything from economic sanctions to outright military intervention.

Philosopher Wendy Brown echoes this concern, and cites the invasion of Iraq as recent proof (2004). Although originally predicated on the search for weapons of mass destruction, when these proved illusory human rights abuses became a frequent justification for Saddam Hussein’s downfall. Donald Rumsfeld even declared the “War on Terrorism…a war for human rights”, essentially couching any future U.S. aggression as a form of rights protection (460). As Brown summarizes, it can be exceedingly difficult “to separate human rights campaigns from legitimating liberal imperialism.”

Yet Brown and Kochi’s concerns, even if empirically accurate, are instrumental rather than foundational; they do not criticize human rights per se, but rather those regimes that pervert such discourse for their own selfish agendas. Of course, one could contend the idea of human rights is simply too vulnerable to abuse and subsequently should be rejected entirely. While this may be a consistent position, however, it also seems excessive; many ideals can be stripped of context and used repressively, but this
hardly invalidates the principles behind them. Especially popular today is justifying actions in the name of liberty, no matter for what cause one espouses (whether to achieve Islamic independence or protect American families from the so-called “Homosexual Agenda”). Yet despite its rhetorical abuses, few would declare the idea of liberty itself bankrupt and in need of disposal. The problem thus lies not in the concept of liberty but the perverse manner in which it is often invoked.

**Human Rights asNeo-liberal Hegemony**

The third and perhaps most common criticism of human rights combines the two proceeding arguments, and contends that human rights are not merely driven by Western condescension or aggression but the fulfillment and perpetuation of its neo-liberal ideology. The concept of neo-liberalism is used amorphously in a great deal of political and philosophical discourse, and as a result can be difficult to concisely define. Many scholars actually use the term in an exclusively negative sense, often to dismiss or discredit the ideas of more conservative or “market-friendly” opponents. Despite its continuous abuse in usage, however, scholars generally regard neo-liberalism as the advocacy of five particular precepts: (1) Open and unfettered markets, both global and domestic, (2) reductions in social expenditure, (3) the deregulation of almost all industries, (4) widespread privatization, and (most importantly for our purposes) (5) the elevation of individual responsibility over the general collective interest (Martinez and Garcia 2005).

Although a number of scholars assert that neo-liberalism and human rights are deeply intertwined, I could find almost no justifications for this powerful contention. In
one interview philosopher Alain Badiou even blanketly states that “human rights is nothing other than the ideology of modern liberal capitalism”, but provides no further elucidation for why this is so (2001-2002, par. 8). Wendy Brown has attempted to clarify this link in greater detail, although her explication also lapses into overly vague generalizations (2004). She begins by claiming human rights implicitly endorse “negative liberty”, or the “right to be let alone to do as one wishes” (456). Any collective responsibility will seemingly threaten this fundamental autonomy, and actors’ freedom of choice must therefore hold primary importance. According to Brown, this stress on freedom of choice is inseparable from an advocacy of open markets. Human Rights scholar Michael Ignatieff’s rights-based defense of private property is supposedly a dead giveaway of this philosophy; as Brown contends, by identifying property rights as a human right “Ignatieff argues for human rights as the essential precondition for a free market order and for the market itself as the vehicle of individual social and economic security” (458).

Kenneth Anderson supplies Brown’s thesis with more conspiratorial overtones (1998). Among a litany of objections to human rights rhetoric, Anderson cites their use as tools for global capitalism. By positing human rights as “universal principles” the “capitalist class” seeks to further its own interest, or the promotion of individual choice and the internationalization of free market ideology (114). Human rights “universal interest” is a mere façade for class interest, or the expansion of global capital under the pretenses of promoting human dignity. Although considerably more subtle, the philosopher Slavoj Zizek makes a similar assertion (2005). In his view the politicization of human rights seeks to replace a variety of repressive regimes with a “false ideological
universality” similar to that proposed by Anderson (128). This universality contends that liberal-democratic capitalism is the only genuine or natural form of order, and the West’s duty is to promote this type of governance by whatever means possible. As Zizek concludes, “What the ‘human rights of Third World suffering victims’ effectively means today, in the predominant discourse, is the right of Western Powers themselves to intervene politically, economically, culturally and militarily”. The philosopher’s position therefore echoes Kochi and Mutua’s fears of Western supremacy, although Zizek identifies capitalism itself as the primary mechanism behind the human rights movement.

Although the preceding theories have gained a good deal of attention I find them neither well articulated nor particularly convincing. As briefly detailed, in all the reviewed accounts the link between human rights and neo-liberalism is only tenuously constructed. But how does individual empowerment logically and necessarily lead to the embrace of only negative liberty? Indeed, many human rights proponents would likely argue that positive liberty is actually more conducive towards meeting their goals, as freedom of choice is only possible if one has a variety of options to choose from. The free market alone cannot guarantee equality of opportunity, and certain “positive rights” may accordingly be crucial. Neo-liberal skeptics thus seem to substantially overstate their case. While human rights may be easier to guarantee in more economically liberal societies, the degree of this liberalism can undoubtedly vary tremendously.

Anderson and Zizek’s critiques also leave a great deal unanswered. Are we to believe human rights activists are all servants of the supposed “capitalist class”? Or are they unknowingly serving neo-liberal ideology (and demonstrating a form of “false consciousness”)? Anderson leaves these questions unanswered, and his quasi-Marxian
claims are consequently critically incomplete. Zizek is left in a similar bind; he makes vague and unsubstantiated statements regarding human right’s “ability to legitimize…Western imperialism, military interventions and neo-colonialism”, but does not give a single concrete example where or when this has occurred (129).

Perhaps most prominently, not a single philosopher addresses why the United States has proven significantly more skeptical of human rights than its European allies. If neo-liberalism and human rights are inherently intertwined, then surely the most neo-liberal nation on Earth should be human right’s greatest advocate. Yet the United States has proven continually reluctant to endorse numerous human rights covenants or conventions, and even rejected the Rome Statute of the International Criminal Court. Many of the least market friendly Western nations have actually been the most progressive human rights leaders. The Scandinavian countries, for example, have proven exceptionally responsive to human rights discourse while relatively dismissive of neo-liberal tenets. Not a single scholar addresses this critical point nor offers any sort of intellectual framework to help forge a viable explanation.

**Human Rights as Useless Abstractions**

Although varied in focus, the preceding three critiques attacked human rights for their (supposedly) hegemonic implications. A number of other scholars have dismissed the idea of human rights as less ideologically dangerous than politically useless. While analogous arguments were made as far back as Edmund Burke, pragmatists such as Richard Rorty and Stanley Fish have offered more recent criticisms of well meaning but vague moral schemas (1993; 2001). To Rorty, while human rights are certainly worthy
ideals, they are instrumentally fruitless; it is sentiment alone, and not some fixed list of abstract rights that influence people to actively alleviate human suffering. While people may help others in the name of rights, they are really motivated by prior emotional impulses. As Rorty remarks, “the emergence…of human rights culture” owes nothing to increased moral acumen but rather to “sad and sentimental stories” of atrocity and abuse (4).

Stanley Fish makes a similar case in his book *The Trouble with Principal* (1999), in which he offers a long-winded critique of abstract theory. According to Fish, moral schemas (presumably such as human rights) mistakenly assume ideals have an independent existence, leading people to lose sight of their contextual nature. While background principles (such as liberty or equality) may help to solidify certain Western norms, they alone add nothing to the world; people begin with the outcome they desire, and then look for “buzz words” to fulfill these earlier ambitions (288). Fish elaborates on this in “Condemnation without Absolutes” (2001), contending that abstractions very indeterminacy makes them ineffectual. Universal terms can be employed for nearly any cause, and we should appeal to “democratic ideals” when attempting to address international (and domestic) abuses rather than some obscure litany of metaphysical rights (par. 3).

I agree with Rorty and Fish that appeals to sentiment can be significantly more powerful than those to reason, especially when hearing “sad stories” and seeing dramatic pictures of rights violations. As Taylor argues, however, the strength of a human rights dialogue is not to offer a single ideology but a common vocabulary; a way for people to properly articulate the abuses they see, and then respond to them accordingly (1993).
While human rights culture may not have risen through the careful use of reason, such a schema seeks to solidify our sentiment within a coherent and communicable set of principles.

Fish’s contention that abstract principles add nothing to the world will be addressed more in depth below. I would contend that human rights discourse is often used indiscriminately and inappropriately. As argued earlier, however, this is a problem of application rather than theory. Perhaps Fish would like to see abstractions abolished altogether and every issue handled on a case-by-case basis. Yet in “Condemnation without Absolutes” Fish himself appeals to an abstraction, remarking that Islamic ideology is best combated by the “democratic ideals we embrace” (par. 3). This would seem to imply that some abstractions are actually useful (or at the very least inescapable) and the issue then becomes determining the most empirically efficacious.

**Human Rights as Dangerous Abstractions**

In his provocative essay “On Human Rights” Gilles Deleuze offers the fifth and final critique of human rights discourse, that human rights are not only useless but also potentially dangerous (1996). Interestingly, Deleuze combines elements from all four preceding accounts, but in a relatively novel (and I think quite ingenious) manner. Deleuze’s essay begins similarly to Fish’s, declaring that human rights are pure and empty abstractions and can offer nothing in concrete situations. The philosopher takes it a step farther, however, arguing that human rights are not only useless but also potentially pernicious.
Deleuze asks us to consider the example of an earthquake in Armenia and a simultaneous attack by the neighboring Turks. According to the philosopher (only somewhat facetiously) “odious intellectuals” will immediately search for human rights abuses, demanding that abstract rights be implemented and secured (par. 3). Yet Deleuze argues such abstractions are not only meaningless but can potentially obscure the more important issue, or how to get actual aid to the afflicted Armenians. In Deleuze’s opinion Western scholars have become obsessed with obscure rights and consequently lost sight of specific abuses. Far more beneficial is effective jurisprudence, “where, in each case, this or that will no longer be possible” (par. 5). As the philosopher summarizes, “There is life, and there are life rights”, and “life goes case by case” (par. 7). A general list of abstract rights is not only impossible but also incoherent, as people only exist within concrete “situations” rather than ethical generalities (par. 4).

If Deleuze is correct, the general and the specific (at least in the case of human rights) cannot be positively or even adequately reconciled. Yet this seems a rather extreme view to embrace; after all, human rights only hold relevance if applicable to concrete, real-world situations. For Deleuze’s’ argument to hold we would require concrete proof that human rights were either futile or dangerous. All the philosopher’s criticisms therefore boil down to a single issue: Whether well-meaning abstractions hinder the occurrence of concrete goods. And until any sort of comprehensive empirical analysis is performed (the conditions of which lie well beyond the present essay’s scope), Deleuze’s (and Fish’s) criticisms must remain compelling but indeterminable declarations.
Conclusion

Human rights hold such a hallowed place in contemporary discourse that even Deleuze has acknowledged the power of their appeal. As he remarks in “On Human Rights” opening, “the reverence that people display toward human rights – it almost makes one want to defend horrible, terrible positions” (par. 1). Who, after all, would argue against a universal attempt to address and alleviate human suffering? This likely helps explain why human rights have become so entrenched in our common vocabulary, employed by everyone from Donald Rumsfeld to Hu Jintao. Indeed, Kenneth Anderson believes human rights have become so widely accepted they have taken on the status of a “secular eschatology” (1998, 107).

Skeptics therefore rarely argue against the idea of human rights, but rather their perverse application. Yet this critique only contains limited empirical support. While a number of different scholars reference the recent invasion of Iraq, human rights were almost always a secondary (if not tertiary) justification for the war’s commencement. And while appeals to the so-called “neo-liberal agenda” excite leftist intellectuals everywhere (especially of the European variety) one look at Sweden puts a serious hole in the thesis that human rights and unfettered markets are simply and irrevocably intertwined. Deleuze raises a somewhat more incisive critique, but despite his clever rhetoric offers no determinate conclusions.

Should human rights skepticism then be conclusively put to rest? Is it time to simply accept the “human rights phenomenon” as “a fact of the world” (in the words of Richard Rorty) and stick to debating how it can be most potently implemented (1993, 11)? Philosophers who fear abstractions may have a point here: Debating whether human
rights are mired in a particular historical context or ideological agenda may seem a pressing concern, but does little to solve the seemingly endless parade of abuses on the ground. While the human rights movement is certainly far from perfect, I think humanity better served focusing on ways to improve its effectiveness rather than delegitimate its existence.
References


