Are human rights enough? On human rights and inequality

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ABSTRACT

In this paper I respond to the central claims presented in Samuel Moyn’s influential book, Not Enough: Human Rights in an Unequal World. Moyn argues that human rights have the following features: they are powerless to combat growing material inequality; they share key characteristics with neoliberalism; they make only minimalist or sufficienarian demands and therefore are not enough to achieve the equality demanded by justice. He suggests, in particular, that Henry Shue’s Basic Rights exemplifies these features. My response argues that Moyn does not accurately present the core conceptual and normative characteristics of human rights, nor does he succeed in implicating Shue’s conception in his critique. I suggest that Moyn’s own ideas about global justice are incompletely developed, including his views about the scope, content, and distributive principles that should guide an account of global justice. Finally, I argue that, even though human rights are not only part of an account of global justice, nonetheless they do provide reasons to limit socioeconomic inequality. This point is exemplified by the claim that a human right to democracy requires limits on material inequality in order to prevent power hierarchy. In short, I agree with Moyn that human rights are not enough by themselves to achieve global justice, but I reject his multi-pronged critique of human rights, specifically his claim that they imply no constraints on socioeconomic inequality.

I. The ‘not enough’ critique

What do human rights imply about socioeconomic inequality? Does a commitment to human rights require only needs satisfaction or some other minimal goal, or does it demand significant restrictions on inequality? It is instructive to consider Samuel Moyn’s Not Enough: Human Rights in an Unequal World as a means to understanding how human rights should be conceived and what they imply for international political practice (Moyn 2018). In Moyn’s view, human rights are minimalist and sufficienarian: they

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focus on providing a floor beneath which no one should fall. They are anti-institutional, concerned not with achieving ambitious goals through political action but with naming and shaming state actors for specific rights abuses like unlawful treatment of political dissidents, including torture and murder (Moyn 2018, 10, 218). According to Moyn, the modern human rights movement came into being in the 1970s alongside its notorious twin, neoliberalism – a movement aimed at reducing the role of government and deregulating and expanding markets and private concentrations of economic power. The key claim he makes is that these Doppelgänger are related to each other in one especially important way: over the past half-century, human rights have been a ‘powerless companion’ to the market fundamentalist-led growth of material inequality (Moyn 2018, 176). They ‘are unambitious in theory and ineffectual in practice in the face of market fundamentalism’s success’ (Moyn 2018, 216). On the basis of this claim, Moyn concludes that human rights are not enough since they fail to help with the highly desirable goal of reducing socioeconomic inequality.

Moyn’s position is not that human rights actively promote neoliberal inequality; rather, it is that human rights themselves, and human rights practice, include no concern about material inequality and so have been understandably silent about its growth over many years. Human rights activism since the 1970s, dominated by organizations like Amnesty International and Human Rights Watch, has focused on egregious rights violations, such as torture and political imprisonment, against which global campaigns can be successfully waged. Given the need to identify guilty rights-violators and bring them to justice, the worldwide struggle to reduce socioeconomic inequality was never likely to play a central role in the everyday activities of human rights crusaders. Unlike state-sponsored torture, income and wealth inequality are not universally condemned as objectionable.

While the ‘not enough’ critique mainly concerns international human rights practice, it also addresses arguments in political philosophy. In Moyn’s account of influential work during the 1970s, he discusses John Rawls, Peter Singer, Charles Beitz, and Henry Shue in some detail. Reduced to its core, Moyn’s narrative runs as follows: Rawls’s ambitious liberal egalitarian theory of justice (Rawls 1971) is substantively egalitarian within the nation-state but not beyond it. Singer’s consequentialist argument in ‘Famine, Affluence, and Morality’ (Singer 1972) is committed to global concern but is merely humanitarian in content, uncritical about Empire, and lacking any institutional solutions. In Political Theory and International Relations (Beitz 1979), Beitz’s defence of a globalized Rawlsian difference principle is a version of global equality rather than mere sufficiency; nonetheless, Moyn worries that Beitz retracts his earlier support for the New International Economic Order proposals of 1974, with their call for redistribution from rich states to poor states, preferring instead to prioritize individual persons as the fundamental units of distributive justice. In Moyn’s judgement Beitz therefore falls short of a strong commitment to equality. And Shue’s Basic Rights (Shue 1980) exemplifies for Moyn the shift in political philosophy to an explicitly minimalist conception of human rights. He represents ‘morality directed at basic subsistence instead of material equality’ (Moyn 2018, 167). The message is clear: scholarship

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2Cf. (Moyn 2018, 220) ‘Human rights became our highest ideals only as material hierarchy remained endemic or worsened.’
parallels practice in defending sufficiency while rejecting equality, but sufficiency does not suffice. If human rights do not provide tools to limit inequality, then human rights are not enough.

II. Problems with the ‘not enough’ critique

Moyn’s critique of human rights is important mainly for the questions it raises. Are human rights sufficientarian and minimal? Are they problematically individualist? Do they eschew a commitment to institutional reform? Have they shared the limelight with neoliberal political economy while failing to rein in the growth of material inequality? Are human rights incapable of limiting such inequality? And more fundamentally, does accepting human rights have any distributive implications?

In this section I consider some problems with the ‘not enough’ critique whose solution points the way to a clearer understanding of the conceptual and normative demands of human rights. I have chosen the problems with the particular aim of determining what human rights imply about inequality. In brief, my claims are as follows: first, contrary to Moyn’s assertion, human rights and neoliberalism are not plausibly understood as Doppelgänger or twins; second, Moyn incompletely characterizes the scope, content, and distributive principles to use in carrying out the project of global justice; third, he presents too stark a contrast between sufficiency and equality that is too quick to dismiss the idea that human rights can promote both goals rather than only one at the expense of the other; and fourth, Moyn’s ‘not enough’ critique is weakened by his mischaracterizing of a key target, Henry Shue’s theory of basic rights. Having exposed the weaknesses in the ‘not enough’ critique, I attempt, in section III, the more constructive task of showing what human rights imply about material inequality, specifically in connection with the idea of hierarchy. If my case is sound, Moyn’s ‘not enough’ critique will have been shown to fail in its original form because human rights are neither silent nor powerless in the face of socioeconomic inequality. Nonetheless, his account contains an important part of the truth: global justice does require more than human rights.

II.A. Doppelgänger

A spectre is haunting human rights, the spectre of neoliberalism. This is what Moyn would have us believe. Human rights and neoliberalism are twins: Doppelgänger (Moyn 2018: xi, 218). Human rights demand minimal protections for individuals. Neoliberalism (or market fundamentalism) prescribes ‘privatization, deregulation, and state retreat from social provision’ along with associated reduction in state spending (austerity) and in the size of government (Marks 2013, 226). Its dominance since the 1970s has coincided with the massive growth of economic inequality. Moyn does not think human rights have caused or promoted neoliberal inequality; rather human rights law and politics have set their sights exclusively on the victims of state repression and extreme poverty, thereby failing to draw attention to ‘the crisis of national welfare, the stagnation of middle classes, and the endurance of global hierarchy.’ By emphasizing

5Cited at (Moyn 2018, 174).
sufficiency, human rights norms have failed to deal with ‘the distributional victory of the rich’ (Moyn 2018: xi–xii, 192).

Let us consider the claims that human rights and neoliberalism share a lifespan, a sceptical attitude to the state, and an individualist worldview. We will then discuss the distinct claim that human rights register no concern about growing economic inequality.

**Lifespan**

Neoliberal political economy is like a ghost haunting human rights, which in both theory and practice have utterly failed to rein in the ‘distributive injustice’ generated by the neoliberal revolution. Moyn describes it as ‘revealing’ that the two ideas have ‘shared the same lifespan’ (Moyn 2018: xi, 218). This simultaneity claim asserts that human rights rose in influence simultaneously with neoliberalism. Of course, correlation is not causation. Moyn is not saying that one twin created the other, but he is pointing to a strange, attention-grabbing shared history. This suggests the obvious question: Is the simultaneity claim true?

In the sphere of practice, neoliberal reforms gained currency in the late 1970s and early 1980s, just as advocacy organizations like Amnesty International and Human Rights Watch gained prominence. But this parallel development narrative depends on stipulating that human rights practice consists mainly in the activities of nongovernmental organizations based in Britain and the USA. If one takes a wider view, human rights ‘norms, laws, and institutions’ rose to prominence in the mid-1940s with the Universal Declaration of Human Rights (1948) and the ensuing fight for decolonization (Burke 2010; Sikkink 2017, 28–29, 40). So it is not that correlation is not causation; it is that there is no correlation in the first place. Even more strongly, it should be recalled that in the 1980s Latin American authoritarian governments both introduced neoliberal market reforms and actively violated human rights (Sikkink 2017, 40, 127–128). In other words, if there is a case to be made for a positive correlation, it is that, as neoliberal measures increase, so do violations of human rights.

In the sphere of theory, the simultaneity claim also depends on Moyn’s controversial exclusion of a centuries-long tradition of thinking about natural rights that inspired eighteenth-century revolutions in America and France (Griffin 2008, 9–14; Hunt 2007: Chapter 3). These considerations raise some doubts about the simultaneity claim, but there is no space here to settle this dispute, so let us focus on two further claims Moyn makes about post-1970s human rights and their relation to neoliberalism.

**Scepticism about the state**

Consider Moyn’s claim that human rights and neoliberalism share a sceptical attitude to the state. Are human rights anti-statist? The problem with the anti-statist claim is that it does not fit a straightforward description of the two sets of ideas. Neoliberals want to rein in the state, limit its role, and reduce its power. Human rights, to the contrary, support an expanding role for the state as protector and active promoter of rights to

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4 Moyn uses the phrase ‘chronological simultaneity’ at (Moyn 2018, 177).
5 (Moyn 2010, 116, 121), claims that human rights ‘emerged’ in the 1970s.
6 This is akin to his point in The Last Utopia that human rights are ‘anti-political.’ See (Moyn 2018, 218), for the claim that human rights are both ‘individualistic’ and ‘antistatist.’
security of the person, political participation, due process, health, and education. As Kathryn Sikkink argues, there is partial truth in the idea that human rights are against the state, since their defence requires opposition to states that unjustly imprison or torture their citizens, or that deny them fair opportunities for education and health. But, with that important caveat, rights-protection requires state action, not state inaction (Sikkink 2017, 38–39).

The Doppelgänger imagery unfairly tars human rights with bias against state regulation and state provision while overlooking the role of state institutions in protecting and promoting human rights. In fact, Moyn is aware of the idea of an institutional conception of rights and that such an idea is not new. He mentions Karl Polanyi’s 1944 classic, The Great Transformation, published four years before the signing of the Universal Declaration of Human Rights, in which Polanyi promoted economic rights but added the crucial institutionalist demand: ‘No mere declaration can suffice: institutions are required to make rights effective’ (Polanyi 1944, 256, cited at Moyn 2018, 52). Moyn also recognizes Henry Shue’s combination of morally individualist premises with practical recommendations focused on institutional design (Moyn 2018, 171), but – oddly – he does not register Shue’s defence of ‘an institutional turn for conceptions of human rights’ whose point is to use institutional means as strategic, effective, coordinating, and efficiency-promoting tools to enable a fair division of moral labour and empower the vulnerable (Shue 1996, 166–173).

On the theme of human rights as anti-politics, consider Moyn’s description of Swedish Nobel economist Gunnar Myrdal’s development theory. According to Moyn, Myrdal’s ‘framework was unerringly concerned with state capacity, not individual perquisites (in terms of basic needs or social rights)’ (Moyn 2018, 108). The problem here is that this framing of the options sets up a false dichotomy between an institutional approach focused on the state and a rights approach concerned with individuals. The strong suggestion is that the option chosen significantly affects the recommended strategy for development. But the stark dichotomy does not exist since there is another option available, namely, to seek to secure basic needs, social rights, or inequality reduction via institutional reform. In other words, contra Moyn, one does not need to choose between state capacity and basic human rights. The implication is quite the opposite: protecting human rights includes a commitment to institutional measures, including state action.

Individualism
Moyn claims that human rights and neoliberalism share an ‘individualistic’ approach to social questions that renders them incapable of addressing social inequality directly (Moyn 2018, 218). The term ‘individualism’ could have several meanings, including the idea that agents are fundamentally self-interested or the idea that explanations should emphasize their role as market participants. While these ideas may be compatible with a neoliberal perspective, however, they play no role in human rights theory and practice. If there is a type of individualism to which human rights are committed, it is a moral individualism that emphasizes the worth and dignity of every individual human being as a holder of civil, political, social, and economic rights while recognizing the social nature of persons and the implied commitment to others in accepting duties generated by human rights.
According to Moyn’s narrative, the 1970s witnessed the rise to prominence of human needs in development economics and human rights in the discourse of political leaders and nongovernmental organizations. He argues that needs and rights share ‘idioms of individual entitlement’ with ‘the coming neoliberal revolution. . . . An emphasis on sufficiency looked to many like a consolation prize for the abandonment of equality.’ As needs and rights were prioritized, their focus on sufficiency flourished while ‘the ideal of equality died’ (Moyn 2018, 120–121). So individual entitlement is associated with sufficiency, needs, and rights, leaving equality out of the picture.

It is worth making two comments about these assertions. First, even if we accept Moyn’s historical claim about the empirical correlation between sufficiency’s rise and equality’s fall, this does not show that defenders of rights are – here and now – precluded from resuscitating equality as a core human rights demand. Second, his point about the shared ‘idioms of entitlement’ seems to be part of a ‘guilt by association’ strategy to link needs and rights with neoliberalism. The term ‘right’ is, of course, in some contexts a synonym for the term ‘entitlement’, but it should be obvious, once it is pointed out, that different users of the rights idiom can strongly disagree about the content of individual rights, that is, what individuals have rights to. For one prominent example suggesting that rights should not be confused with a commitment to neoliberalism, consider the tradition within socialism that is committed to human rights. Such rights would include the full range of civil, political, social, economic, and cultural rights (Campbell 1983). In fact, Moyn recognizes the possibility of combining socialism and human rights (Moyn 2018, 124–125), but then it is profoundly misleading to tie rights to neoliberalism without pointing out the alternatives. A commitment to both socialism and human rights is coherent and defensible, even if one accepts Moyn’s claim that, historically, socialists hesitated to appeal to rights in defending their demands (Moyn 2018, 25). The upshot is that human rights are not individualist in any sense that would make them fellow players in, or defenders of, neoliberal market mechanisms that produce large economic inequalities. The irresistible conclusion is that the Doppelgänger thesis is false.

II.B. Incompleteness

There are three senses in which Moyn’s account is incomplete, corresponding to three questions that frame the issue of distributive justice. The questions are: (1) To whom is justice owed?, (2) What is to be distributed?, and (3) What principle(s) should guide distribution (e.g. sufficiency, equality)? (Cf. Brock 2018, 87). His answer to question (1) seems to be quite strongly cosmopolitan in the sense of favouring the whole world as the arena of distributive concern. For example, he sympathetically presents Gunnar Myrdal’s idea of global justice, a ‘welfare world’, emphasizing equality on a world scale by analogy with the welfare state’s goal of equality on a national scale (Moyn 2018, 104–107). But Moyn provides no account of how to balance duties to compatriots with duties to human beings beyond one’s borders, nor does he take notice of disputes about the scope of – or conditions for the possibility of – distributive justice, such as the coercion argument (Blake 2001; Nagel 2005), the cooperation argument (Freeman

7Cf. (Moyn 2018) 172 and 177 on the ‘common individualism’ shared by human rights and neoliberalism.
and the reciprocity argument (Sangiovanni 2007), each of which purports to show why distributive equality is not an appropriate goal of global justice. Moyn therefore takes a position but shows no recognition of the complexities involved in setting out and defending that position.

On question (2), the content of material distribution, the many well-known answers include welfare, opportunities, opportunity for welfare, resources, primary goods, needs satisfaction, and capabilities. The debate has kept political philosophers occupied for decades but Moyn is silent on the matter, apart from two hints. First, on countless occasions he identifies his focus as the distribution of ‘the good things in life.’ This might suggest a pluralist approach that would include Rawlsian primary goods (rights, liberties, opportunities, income and wealth, and the social bases of self-respect) or Amartya Sen and Martha Nussbaum’s capabilities (what individuals are effectively free to be or do), but Moyn does not address these options (Rawls 1971; Sen 2009; Nussbaum 2011). Instead, the second hint is that he sets his own view against Harry Frankfurt’s sufficiency doctrine which is itself explicitly concerned with the distribution of income and wealth (that is, money) (Moyn 2018, 4, citing Frankfurt 1987). The context makes it clear that Moyn is concerned with the distribution of money (or material wealth). It is unfortunate that he does not address the many good reasons not to frame the discussion in this way, such as the objection that what matters is how people are actually faring or what they are capable of doing, not whether they have the same amount of material wealth (Sen 2009, 266). While income and wealth are an important part of the story, they are neither sufficient to account for the many forms disadvantage may take nor appropriate as the only tool in providing solutions to socioeconomic inequality.

Question (3), about the principle(s) that should guide distribution, can be answered by appeal to ideas like desert, merit, equality, sufficiency, need, or priority for the worse off. As we have seen, Moyn mentions only equality and sufficiency as the relevant options. This is helpful as a simplifying device: in a work of intellectual history only partly concerned with debates in political philosophy, he cannot be expected to cover the whole terrain. Yet his favoured position, something approaching equality of money or at least significant reductions in the inequality of money, is nowhere defended. There are no answers to the obvious and crucial questions: why is material equality morally desirable? Why should material inequality be reduced? I address these questions below.

Even if we suppose Moyn’s account to be about equality of income and wealth, a further form of incompleteness would remain: beyond distributive inequality, there are distinct normative worries about trade and labour relations and entitlements to territory and resources. Reducing material inequality nationally and internationally does not, by itself, ensure fair terms of trade, working conditions, or claims to productive land. In short, global justice concerns more than human rights but it also means more than material inequality reduction. A commitment to equality should look beyond income and wealth to questions of socioeconomic and political power in the workplace, the state, and international trade relationships. Once those questions are brought into view, however, it is possible to revisit the potential for an institutional

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8(Moyn 2018) 3, 14, 15, 24, 27, 28, 32, 33, 39, 40, 62, 63, 72, 76, 86, 90, 102, 120, 122, 137, 146, 150, 176, 198, 202, 213, 214, 215. The reference on page 63 suggests that Moyn gets the phrase from Harold Laski.
conception of human rights that could question power structures on the grounds of their incompatibility with a proper respect for individual rights.

II.C. Sufficiency and equality

The contrast between sufficiency and equality frames Moyn’s analysis and assessment of human rights. So how does he characterize this contrast? In describing sufficiency, we noted that Moyn cites Harry Frankfurt, who argues that when it comes to economic assets (i.e. money), what matters is that everyone has enough, not that everyone has the same. Frankfurt’s goal is to expose what he judges to be the basic mistake of thinking ‘that it is morally important whether one person has less than another regardless of how much either of them has.’ In the end, for Frankfurt, there is no ‘urgency of providing people with as much as others.’ Rather, when those with urgent needs have a legitimate claim, what matters is ‘the urgency of the needs of people who do not have enough.’ Urgency of needs provides the decisive reason (Frankfurt 1987, 37).

Moyn’s position is that sufficiency is not enough: we should be concerned to promote equality. But the sufficiency-equality dichotomy is more complicated than one might guess from Moyn’s discussion. Let us begin with a misleading question: Does justice demand that every person should reach a material floor below which they must not fall or that the wealthy should be limited by a ceiling that prevents them from straying too far from the rest? The question is misleading because it presupposes a false contrast. It is possible to support both sufficiency and limits to inequality. Paula Casal helpfully distinguishes two distinct sufficiency theses, a positive thesis that each person should reach a threshold where they have enough to be free from deprivation, and a negative thesis denying the relevance of distributive demands beyond the sufficiency threshold (Casal 2007, 297–299). Frankfurt affirms the more controversial negative thesis when he says that ‘[i]f everyone had enough, it would be of no moral consequence whether some had more than others’ (Frankfurt 1987, 21). Rejecting the negative thesis by, for example, affirming principles of equal opportunity or fair reciprocity whose satisfaction requires reducing income and wealth gaps, does not entail leaving sufficiency behind since one can hold on to the positive thesis that everyone should have enough. One can even go beyond this by affirming that sufficiency should take priority, relative to other requirements, within a theory of distributive justice (Wolf 2009, 364–365). Moyn offers no principled reason for rejecting the combination of sufficiency and equality – in fact, one of his central claims is that both should be pursued – but he does suggest that human rights embody a sufficiency doctrine that is incapable of addressing inequality. This claim is further assessed below, but it is worth pointing out that advocating for sufficiency does not, in fact, prevent progress on reducing inequality. Jiewuh Song convincingly questions the displacement thesis, the claim that the practice of human rights has ‘crowded out’ or displaced more strongly egalitarian movements, thereby partly explaining why the sufficientarian floor has coincided with removal of the ceiling on inequality (Song 2019, 356). If there is no empirical support for this thesis, we are free to affirm both.

9On sufficientarianism, see (Shields 2020).
the priority of sufficiency and the desirability of limits on inequality, if arguments can be found for doing so, in both cases supported by an appeal to human rights.

On Moyn’s analysis, sufficiency is closely tied to minimalist approaches to global justice framed in terms of basic needs or subsistence rights (Moyn 2018: Chapters 5 and 6). The problem with this framing is that the idea of sufficiency need not be – arguably should not be – interpreted in this way. First, in some cases, aiming for sufficiency means focusing on equality. For example, having enough opportunity to vote demands that each person should have the same opportunity to vote (Brock 2018, 95). Many kinds of rights imply that each person should have the same good to the same extent, whether it is security, due process, freedom of speech, or political participation.

Second, Harry Frankfurt, Moyn’s main opponent, rejects a minimalist conception of sufficiency. Suppose a person has enough money to get by or enough to ‘make life marginally tolerable’ and avoid ‘economic misery’. Does this count as having enough money according to the doctrine of sufficiency? Frankfurt’s answer is an emphatic ‘no’, since the sufficiency standard requires that each has enough to be content and to have a fulfilling life (Frankfurt 1987, 32–33). Meeting one’s subsistence needs does not reach high enough by this standard. When Moyn says that sufficiency is not enough, then, he is not best understood as describing sufficiency as conceived by Frankfurt. He is focusing, at least in part, on Henry Shue’s subsistence rights as standard-bearer for the type of approach to human rights that fails to address galloping economic inequality. It is therefore worth discussing Moyn’s understanding of Shue’s approach.

II.D. Shue on basic rights

The distinction between sufficiency and material equality is central to Moyn’s critique of human rights. As exemplified by Henry Shue, basic human rights emphasize a global minimum appeal to subsistence rather than a global egalitarian commitment to limiting how much more one person has than another. For Moyn, as we have seen, Shue represents ‘morality directed at basic subsistence instead of material equality’ (Moyn 2018, 167, emphases added). But Moyn never cites any claim by Shue that subsistence and equality are competitors or that pursuit of one rules out pursuit of the other. As Moyn notes, Shue’s argument focuses on ‘the morality of the depths’, but Shue says explicitly that he does not reject movement beyond the depths (Shue 1980, 18–19; cf. xi). Moyn is correct that Shue’s approach ‘bracketed inequality’ (Moyn 2018, 171) – and the general point is important – but this is different from characterizing Shue’s goal as rejecting equality as a larger aim. Nor does the emphasis on basic human rights rule out considering the implications for such rights of allowing large-scale material inequality. If inequality threatens human rights protections, there is good reason to reduce it.

On the mischaracterization of Shue’s position, it is instructive to consider a view that precisely parallels Moyn’s interpretation. Katrina Forrester claims that Shue’s ‘moral minimalism’ opposed both ‘Rawls’s priority of liberty and Beitz’s egalitarianism, arguing for a global subsistence minimum and poverty reduction instead of limiting inequality’ (Forrester 2019, 158; cf. Moyn 2018, 167–168).10 Two points should be made in reply. First, Forrester is correct in claiming that Shue’s basic rights approach ‘prioritized

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10 Forrester echoes Moyn, sometimes verbatim, though it is unclear which account was written first.
economic rights of subsistence and survival’ (Forrester 2019, 157). But Shue explicitly places subsistence on a par with liberty and security, arguing that each of the three rights is equally basic and that ‘the same reasoning that justifies treating security and liberty as the substances of basic rights also supports treating subsistence as a basic right’ (Shue 1980, 9). In short, Shue does not prioritize subsistence over liberty or liberties; rather, he argues that they are equally basic. Second, Shue does not focus on global subsistence ‘instead of limiting inequality’. In fact, part of his defence challenges ‘degrading inequalities’ that undermine equal self-respect for all persons (Shue 1980, 119–123). He is quite clear that inequalities are illegitimate when they allow preference-satisfaction of the affluent to override meeting the needs of others. In this context, Shue cites T.M. Scanlon’s important 1975 article, ‘Preference and Urgency’, and affirms that his own argument for reducing inequality is likely to have ‘the same implications’ in practice as Scanlon’s argument, Thomas Nagel’s case against ‘radical inequality’, and even utilitarian arguments about diminishing marginal utility (Shue 1996, 213 n.14, citing Scanlon 1975; Nagel 1977).

More recently, Shue has briefly commented on Moyn’s interpretation of Basic Rights. In Shue’s original chapter on ‘affluence and responsibility’, he argued that subsistence rights must be enforced as a basic moral requirement of any legitimate property rights regime and that basic or vital interests must be given moral priority over non-basic or non-vital interests (Shue 2020, 124–127, 196). Shue now says that, in Not Enough, Moyn fails to recognize ‘the radically critical implications of this conclusion for neoliberal claims. … I was trying to say that what Moyn has recently dubbed “economic libertarianism” [or neoliberalism] is unacceptable’ (Shue 2020, 252 n. 40). In other words, Shue conceives his own theory of basic human rights as ruling out neoliberalism. Accordingly, Moyn’s central thesis – that the advance of human rights has coincided with the growth of neoliberal inequality and has nothing to say about it – incorporates only one of several possible conceptions of human rights and, crucially, fails to implicate Henry Shue’s conception while falsely accusing Shue of aiming only for sufficiency while lacking concern for inequality.

In general, the strong distinction between sufficiency and equality does not fit well with human rights in either political theory or international law and practice. As we have seen, Shue defends basic rights to subsistence, security, and liberty, so it is a mistake to focus only on subsistence when discussing his theory (Shue 1980: Chapters 1–3). The demands of security and liberty will be such that the bare sufficiency-as-subsistence image soon becomes inaccurate. And human rights in much political philosophy and certainly in international law go well beyond a minimalist interpretation: their content is extensive and their fulfilment expensive. As the scope and content expand, they threaten the coherence of Moyn’s dichotomy between sufficiency and equality. International human rights law is not minimal. Its long list of rights includes civil, political, social, economic, and cultural claims that are, in both effort and resources, costly to protect. The Universal Declaration of Human Rights is, if anything, a highly demanding document, identifying protections for life, freedoms, and security in the civil, political, social, and economic spheres. Whichever way one looks at it, the minimalist image of human rights is inaccurate.
III. Human rights, inequality, and hierarchy

What do human rights imply about global material inequality? Jiewuh Song presents several strong reasons why a commitment to human rights requires limiting material inequality. These include: (1) realizing socioeconomic rights to goods like health and education will often support policies that demand downward redistribution to ensure that everyone, including the least advantaged, can enjoy these rights; (2) economic inequality interferes with poverty reduction where the latter is understood to be a direct goal of a human right to a decent standard of living; (3) distributive inequality can undermine the status equality that is a core human rights commitment; and (4) economic inequality is correlated with threats to civil and political rights. In sum, it seems that economic inequality can cause human rights violations (Song 2019, 369–372). If so, defenders of human rights should aim to limit material inequality.

But I will focus here on only one significant idea, that universal human rights are incompatible with hierarchy. This will be shown first, by explaining the errors in Moyn’s description of Croesus, owner of everything in an imagined world where everyone’s human rights are acknowledged; and second, by showing that preventing hierarchical power is one good reason for defending human rights and limiting economic inequality.

III.A. Extreme inequality: the world of Croesus

In defence of his thesis that human rights ‘simply have nothing to say about material inequality’, Moyn describes the world of Croesus, an imagined king who possesses unlimited wealth but generously aims to ensure that everyone’s needs are met (Moyn 2018, 212–216). An ideal world in which human rights are protected contains no destitution: everyone has secure access to food, water, and health, but, Moyn argues, this ‘floor of protection’ can happily coexist with massive wealth inequality in which one person owns everything (Moyn 2018, 212). In my view, however, this description is inaccurate because it depicts necessarily insecure claims to basic resources as secure claims. If those at the bottom own nothing, they lack secure access to meeting their needs because their entitlements depend on the magnanimity of Croesus, owner of everything. And if they lack secure access to goods, they lack human rights to those goods.

In Croesus’s world, one person monopolizes wealth but is so generous that he pays for everyone’s needs to be protected. This includes protections of basic civil liberties and provision of health, food, water, housing, and even paid holidays (Moyn 2018, 212). Moyn’s objection to this picture is that it is compatible with large-scale material inequality of ‘the good things in life’: everyone has enough, but – to put it mildly – some have more than others. Indeed, in the case as described, one person rightfully possesses all the property, even though he does not hoard it for himself. The Gini wealth coefficient is 1. While this imagined world is objectionable on grounds of inequality, Moyn’s version of the objection does not offer the most telling explanation of why that is so. A better account would expose Croesus’s world as violating a demand

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11Moyn’s Croesus is inspired by the ancient Lydian King of the same name, as described in Herodotus, The Histories, Book I.
for equal freedom in the republican sense of nondomination (Pettit 2014). According to this requirement, no one should hold the arbitrary power to decide for others how they should go about their lives, including whether they hold resources sufficient to meet their needs for food, water, housing, and health. In short, what makes the world of Croesus unjust is not primarily that it allows material inequality but that it entrenches a system of unequal freedom.

Croesus owns all property but is exceedingly generous, using his wealth to ensure that no one lacks basic necessities (Moyn 2018, 213). The problem for Moyn is the ‘yawning hierarchy’, the gap between those who have less and those who have more. While he never explains why the gap matters, he might have pointed to the unequal freedom of Croesus and the others to decide how to live their lives. His freedom is absolute, their unfreedom is complete. Since this distribution of freedom is unjust, we should reject the characterization of Croesus as generous because it is not possible to be generous with resources to which one has no right in the first place. Moreover, Moyn conceives of human right-holders as passive recipients who take what they are given. This fails to capture the sense in which people are agents, active in the world, and enabled by secure rights to do things, to engage in activities rather than merely receive benefits.

So Moyn is wrong to say that ‘[n]othing in the scheme of human rights rules out Croesus’s world, with its absolute overlordship, so long as it features sufficient provision of the good things in life’ (Moyn 2018, 213). He defends this claim by pointing to the absence of any human right to material equality, yet it would be a mistake to think that human rights to speak, vote, or secure subsistence goods could be protected as rights in Croesus’s world. The whole point of that world is that it denies these goods to everyone, except Croesus, as a matter of right. It is a universally human rights-denying political and socioeconomic order whose tyrannical ruler happens to care about the well-being of his subjects.

Moyn asserts that human rights can be ‘perfectly realized’ in this radically unequal world, towards which our world is moving (Moyn 2018, 213). But this ‘perfect realization’ assertion is false. Part of the confusion lies in his failure to recognize what is implied by his argument’s starting point that one person owns everything. Ownership is itself a matter of rights, so it could not be the case that everyone’s human rights are protected when they conflict with ownership rights of one overlord. Consequently, it is incorrect of Moyn to claim that ‘generous Croesus … offers guarantees of sufficient provision’ (Moyn 2018, 216). For everyone other than Croesus, there can be no guarantees of any provision at all. Distributive outcomes depend on his arbitrary will; the fact that the story describes him as ‘generous’ is simply another way of underscoring that, for Croesus’s subjects, no one’s sufficiency is founded on human rights.

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12The subjects of Croesus are not credibly able to pass Pettit’s ‘eyeball test,’ according to which their resources are protected such that their basic freedoms enable them to look him in the eye ‘without reason for fear or deference of the kind that a power of interference might inspire’ (Pettit 2014, xxvi and 99).
III.B. Inequality and hierarchy

Moyn confuses matters in several key places by using ‘inequality’ and ‘hierarchy’ synonymously. It is clear from the context that by rejecting ‘hierarchy,’ he means to defend ‘a modicum of equality’ or ‘a ceiling on inequality’ (Moyn 2018, 4, 13). But rejecting material inequality is not the same thing as rejecting hierarchy, since the idea of hierarchy more strongly suggests an ordering of status, authority, or power which the idea of inequality by itself lacks. Moreover, the defence of equality in this sense – limits on inequality – should be kept distinct from anti-hierarchy as one possible argument in support of it.

A deep philosophical point is implicit in Moyn's claim that sufficiency rights and equal status guarantees can comfortably co-exist with ‘economic hierarchy.’ The point denies that basic social, economic, and political rights imply limits on inequalities in economic power. A key source of ambiguity in Moyn’s argument is the term ‘hierarchy’ itself, which suggests both a systematic ordering – as in an income- or wealth-based ranking – and an inequalitarian power structure. But it is important to keep these two meanings distinct since there could be different rights-based objections to unequal income or wealth on the one hand and entrenched power inequalities on the other.

There is a plausible argument to the effect that extreme material inequality gives undue decision-making power to the wealthy, so that if one values democracy as an ideal – equal distribution of the power to make important social and political decisions – then one should favour constraints on material inequality because such inequality produces hierarchy. T. M. Scanlon argues that wealth inequalities are morally objectionable when ‘they give some people an unacceptable degree of control over the lives of others.’ If inequality hands ‘unacceptable forms of power’ to the rich, it violates the commitment to equal power-sharing that lies at the root of a democratic society (Scanlon 2018: 5, 8, Chapter 7, and Chapter 9, 134–135). Similarly, G. A. Cohen argues the following: 'Among the reasons for limiting how much an individual may hold, regardless of how he came to hold it, is to prevent him from acquiring, through his holdings, an unacceptable amount of power over others' (Cohen 1977, 11, emphasis in original). This line of reasoning overlaps with ‘the democratic objection to inequality’, as described by Martin O'Neill (O'Neill 2017, 356–357). It is controversial to defend a human right to democracy in the sense of a right of each person to have an equal say in political decision-making, but if there is such a right it is threatened by persistent economic inequality. In Rawls’s terms, the fair value of basic political liberties is not achievable when income and wealth inequalities enable the rich to dominate the political sphere (Rawls 1999a, 198–199). Rawls presents this as a key reason why both laissez-faire capitalism and welfare-state capitalism violate his principles of justice (Rawls 2001, 137–138). Moreover, unlike Moyn, Rawls identifies ways to address the problem by means that go beyond income distribution, such as public political

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13Cf. (Rawls 2001, 130–131).
14O'Neill is summarizing the arguments of Thomas Piketty and John Rawls.
15My present concern is Rawls’s argument for limiting inequality in order to ensure fairness in the political sphere. I leave aside here the fact that Rawls himself did not include democratic rights in his list of what he calls human rights. See (Rawls 1999b, 65, 79).
16Rawls further argues that state socialism’s command economy has little place for democratic procedures, so it fails the fair value of political liberties test despite its limits on economic inequality.
campaign funding and limits on private contributions to counteract the ‘curse of money’ in politics (Rawls 2001, 149–150, 2005, 449). If this type of argument is promising, it depends on distinguishing inequality from hierarchy, since the reason to resist inequality is to prevent hierarchy. To the extent that Moyn muddies these terms, he prevents egalitarians from appealing to this important argument. 17

Keeping inequality and hierarchy distinct enables a clearer focus on the types of reasons to which one may appeal when questioning unequal shares. Scanlon identifies egalitarian reasons as ‘reasons for objecting to the difference between what some have and what others have, and for reducing this difference’ (Scanlon 2018, 1). Within this class of reasons, he distinguishes broadly egalitarian reasons, which object to differences between what some have and what others have but do so by appealing to the consequences of those differences, which may themselves have nothing to do with equality (such as inequality’s consequences for health); and narrowly egalitarian reasons, which are based on a claim that equality itself is worth pursuing for its own sake. That economic inequality would give rise to objectionable forms of hierarchical control is broadly egalitarian if it emphasizes the consequences of income and wealth differences, but it is narrowly egalitarian if we think that an unequal relationship of dominator and dominated is itself objectionable and that such a relationship is a necessary feature of material inequality (Scanlon 2018, 2). Both types of reason seem relevant in understanding why economic inequality should be restricted.

IV. Conclusion

I answer the question in the title of this paper – ‘Are human rights enough?’ – in the negative but I do so on the basis of reasons distinct from those identified by Moyn. He gives the correct answer for the wrong reasons.

Human rights do provide reasons to constrain economic inequality, but they do not fill the space of global justice on their own. If there are global justice norms beyond human rights, these are likely to provide further reasons to be wary of material inequalities. For example, Joshua Cohen and Charles Sabel’s tripartite account of global justice includes human rights, fair governance standards, and fair distribution norms (Cohen and Sabel 2006, 149, cited at Song 2019, 364). This view has some affinities with Moyn’s claim that human rights are not enough, yet his emphasis on material equality threatens to overshadow these other desirable global justice goals. To reiterate, the two central points I want to defend here are that human rights themselves can take us part of the way towards limiting national and global economic inequality, and that Moyn’s ‘not enough’ critique does not show that defenders of human rights are incapable of mounting objections to economic inequality.

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17 The relation between equality and hierarchy is complicated. Jonathan Wolff persuasively argues that some forms of hierarchy – of esteem and some kinds of status – might be compatible with social egalitarianism. My present focus, however, is only the relation between economic inequality and hierarchies of power. See (Wolff 2019).
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