
HUMAN RIGHTS IN THE ABSENCE OF VIRTUE

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In his excellent and thought-provoking essay, Michael Ignatieff plays Aristotle to his own former Plato. Aristotle felt his teacher Plato had aimed too high in believing in a singular and transcendent good. Not only are goods plural, however, Aristotle contended. They are practically realized through virtues of character, rather than discerned by philosophers who theoretically rise to a vision beyond deceptive appearance and lived excellence.

Of course, the human rights movement has long known that goods are plural: it disaggregates the different fundamental entitlements so as to enumerate a list of high-priority expectations that are independently demanding, not supposed to be traded off against one another, let alone against other values. Rather, it is the notion that human rights are transcendent norms to displace local practical activity and the personal excellence of character that now seems unconvincing to Ignatieff, once perhaps the most visible spokesman for the importance of human rights in global affairs. "Side by side," he writes, "sits a very different moral system that is not easily squared with human rights principles, because these virtues privilege the local over the universal; the citizen over the stranger; and the community over the cosmopolitan."

It is not at all that Ignatieff is giving up on human rights, any more than Aristotle gave up on moral philosophy or high expectations. But after his world travels, it does not seem to Ignatieff that human rights are likely to be much more widely shared and popularly lived than they now are. So at the price of accepting some limits, human rights must coexist with more local and practical ethical systems that reach the ground and run deep in people's behavior. Cosmopolitanism cannot displace the difference of community and states but must live with them and keep them in bounds. The global faces the challenge of inevitable local variation that it can never unify around one selfsame set of expectations.

But how big a concession the move from global universalism to local virtue involves really depends on how big the gap is between them. Virtue from Aristotle onward has generally been understood as the attempt to live out the universal in particular settings and situations, not to leave it behind altogether. The transactional ethics that Ignatieff describes as "taking people one at a time" does not necessarily rule out the application of universal

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principles. It may just imply that those universal principles require local translation and specific application. Second, insofar as local virtue works well in this fashion, while also accommodating the diversity of cultures and histories, it is unnecessary to worry about checking it from outside. Ignatieff envisions human rights as “designed to constrain local partiality to one’s own community,” but then the question is how much correction and constraint virtue requires. In sum, if local virtue is relatively convergent with what human rights already demand, because it is the particularization of universal principles or provides a different path to the same goal, then there are few problems. Aristotle has simply adjusted Plato for the real world.

But Ignatieff is worried that he needs to go further. For all his globetrotting experiences of virtue in action, Ignatieff’s text suggests that he has been disabused of people’s capacity to adjust their current practices mainly because of how they have treated strangers in the Syrian refugee crisis. For all the talk of the memory of horror and the imperative of human rights in Europe, its citizens have not succeeded in meeting the universal morality which they themselves propounded now that needy Muslims fleeing civil war are massed at their gates. And insofar as Europeans sometimes go farther in taking in needy foreigners, Ignatieff says, it is not because they feel the moral obligations of humanity but because local virtue prompts the free gift of charity. In turn, Ignatieff surmises, celebrating this generosity may depend not only on recognizing the role of local morality in all of its different forms, but also people’s need to condition it on the right to limit that generosity, to affirm their territorial sovereignty, and to exclude as much as they welcome.

Yet the truth is that, unlike when it comes to freedom from torture, human rights law generally does not accord a right to movement to people who want to exercise it, so hospitality to strangers has to be a gift extended to them on their own terms (except when they succeed in presenting themselves at the border and claim asylum, which in turn depends on a well-founded fear of persecution for specific reasons). Indeed, most of human rights law is not about how states treat strangers (to whom they have few obligations in any case under current law) but rather how they treat their own citizens. And we don’t want them abstaining from vile practices like torture simply because doing so speaks to charitable impulses. If local virtue is defective not because it fails to offer gifts to far-flung outsiders but because it does not grant entitlements to fellow citizens, then Ignatieff’s move to virtue is going to look extremely unappealing. A world in which people debate about how many gifts to give to people in need outside their homes is perfectly compatible with one in which practices like child abuse and wife-beating have been banned within them. In this sense, Ignatieff’s critique motivated by concern for refugees would prove really troubling mainly if it turned out that the same doubts he sees Europeans expressing about strangers were true applied across the board. Once again, it

is important to know how divergent ordinary virtue is from human rights to know how to take Ignatieff's conclusions.

The real crisis of human rights, one far deeper than the heartrending fate of refugees had made plain, is that moral precepts and practices around the world remain very far from what human rights and other emancipatory values demand. Virtue has never been strong on its own, and it needs cultivation, or people will not live well. In a sense, Ignatieff isn't taking Aristotle seriously enough. Aristotle recognized that our primary attitude towards virtue has to be to inculcate it, not merely to see how differently it functions compared to transcendent principles. And even Aristotle failed to realize how the right social context is needed for virtue to be honed.

In our rush to celebrate human rights law and globalize it, it proved too easy to slip into bouts of congratulating ourselves for our own virtue and imposing it on others that we never have faced how hard the challenge of changing morality globally really is. Having become so visible championing human rights a couple of decades ago, Ignatieff, I am worrying, may have given up too soon on human rights in the face of adversity. But neither enthusiasm nor defeatism is the right move. For what we have learned in the meantime is that virtue does not arrive by magic or materialize overnight, and certainly not through grandstanding or imposition. Most important, virtue has social foundations that liberals have not spent enough time figuring out how to lay the world over.

In the face of an age that will be remembered not so much for its human rights revolution as for the erosion of social solidarity welfare states once created (though across only a part of the globe), it is tough to imagine people finding their way to treat one another—let alone foreigners—virtuously. Populism is significant not only for outsiders who are treated callously but also for insiders who have no recourse when majorities wrest power from elites they feel have betrayed them. And in a highly unequal world, the geopolitical setting for transnational virtue is also a distant aspiration. Building institutions that will better allow transcendent values to be available in and lived out through virtuous practices—not a choice between our highest values and the diversity of humanity—is thus what matters most.