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The construction of human rights: dominant approaches

T HE IDEA OF human rights covers a complex and fragmentary terrain. As R. J. Vincent comments near the beginning of his work on human rights in international relations, 'human rights' is a readily used term that has become a 'staple of world politics', the meaning of which is by no means self-evident (1986: 7). After glossing the term as the 'idea that humans have rights' (1986: 7) – a deceptively simple approach – Vincent notes that this is a profoundly contested territory, philosophically as well as politically. This is not surprising, as notions of human rights draw indirectly or directly on some of our most deeply embedded presumptions and reference-points – for those of us in liberal democracies, particularly those cosmologies concerning the nature of the person and of political community. Questions about and concepts of the human as individual, of what is right, the state, justice, freedom, equality, and so on, flicker like a constellation of stars just off the edge of our fields of analysis – fading in and out, holding much, promising or claimed as anchorage, yet elusive and obscure. For many, the assertion of human rights has become a kind of repository of secular virtue – a declaration of the sacred in the absence of the divine. In the Western liberal democracies, human rights are claimed as political home or as a principal 'instrument of struggle' by the libertarian right, by liberals of various persuasions, by socialists who feel the traditional socialist agenda has been overtaken by events and by 'post-liberal democrats'. To declare in a debate that the matter at hand involves rights can be to 'trump' discussion, drawing the limits beyond which exchange may not go, in a way that Ronald Dworkin (1977, 1984) probably did not intend. The language of rights thus carries great power while being potentially deeply divided against itself.

The purpose of this chapter is to draw attention to some of the orders of thought that dominate human rights promotion and shape the meaning of this powerful, complex and in some ways contradictory tool of rights and 'rights talk'. In particular, I want to underline the limitations of these orders of thought, the narrowness of some of their central categories and the disfiguring

consequences of these limitations. This does not mean, however, that they are understood as having nothing to offer. As James Tully (1995) and Wendy Brown (1995), among others, have pointed out, the histories of and the tools offered by the dominant, broadly liberal, political configurations have been both emancipatory and oppressive. The question is, which potential is in play in the circumstances at hand? Nor am I suggesting that we simply step aside altogether (even if we wanted to) from the more fundamental trainings and reference-points that constitute modern political life and in which notions of rights are embedded, although surely some debates and motifs are almost worn through. Rather, the effort to explore some of the general themes that seam much rights talk in world politics is offered as a basis for a more reflective understanding of what we might be trying to do when we promote rights – an understanding that is cognisant of both the value and the limitations of the tools we bring to the complexity and immediacy of deeply entrenched injury. Among its other effects, greater critical awareness can enable us to be more open to other experiences, other tools.

This chapter divides roughly into two parts. The first part introduces briefly the polarity of universalism and relativism that structures much of what it is possible to say on human rights – chapter 3 explores this theme further. The chapter then looks at the story of the Lockean social contract, as one still potent myth of the origin for human rights and more broadly as a mechanism for conceptualising the human political community and ethics in the liberal state. The adequacy of these constructions for responding to the complexity of systemic infliction of injury is questioned. The second half of the chapter considers briefly the dominant theoretical accounts of international politics that have formed a central platform for the debate and, to some extent, for practice regarding rights in the international arena. Constructions of politics 'inside' and 'outside' the state (to use R. B. J. Walker's 1993 phrase) are interlocking, and together they articulate a range of accounts of ethical possibility in contemporary life. The dominant notions of rights provide models of the state as much as they make claims regarding the integrity and autonomy of individuals. And questions of rights in international relations quickly become matters of whether or not and how to ensure that key elements of this configuration of state and individual – and, to a shifting extent, this model of the state – pertain in all states. This discussion points to the aridity of the ways for conceptualising ethical concerns in international life made available by the dominant accounts, which remain significantly characterised by the see-sawing polarity of idealism and realism. The discussion of Lockean contractarianism is not an effort to explore the history of the emergence of rights practices or of notions of human rights, although reference is made to that history. Nor is the considerable body of multilateral practice on human rights, particularly United Nations and international legal practice, analysed in any detail.

We commonly grasp human rights issues in terms of a series of deeply entrenched oppositions, most stridently between assertions of universal, or absolute, values and forms of cultural or communitarian relativism, between a search for something to be regarded as essentially human or an irreducible morality – a universal humanity – and an appreciation of the ambiguous tissue of local realities, the value of the particularities of community life. But this polarisation can distort the problems raised by human rights in ways that leave them irresolvable and arid. Moreover its effect is to maintain a dichotomy that feeds directly into states' competing assertions of territoriality and power and into the passions and suspicions of clashing nationalisms – to tie rights even more deeply to arenas of political contention in a way that only hinders work on specific problems of abuse.

To work with the questions raised by rights only within a polarisation of absolute and relative is to fix them within a quite particular and limited framework. For some, to reject the possibility of a definitive answer to questions about how to live well together – to reject the motif of the universal – is an assertion of relativism and therefore a declaration of non-interference or despair in the face of violence and debilitation. For others, who reject anything that might appeal to a seemingly transcendent category such as 'the human', any talk of human rights, beyond the positive rights of citizens, is incoherent or fanatical. This is to deny the persistent reality of working across boundaries – the boundaries of states and legal systems, of communities, of understanding, of supposedly coherent conceptual frameworks. It is to see fences as having only their self-proclaimed function and not, as Wittgenstein remarked, many purposes (1978: para 499).

To consider what we might mean by 'human rights' involves questioning the broad conceptions of 'the human' and of 'political community' that underpin approaches to rights. The purpose of questioning our assumptions is threefold. First, to draw attention to the patterns of exclusion that constitute the dominant figures of universal and human. Second, to draw attention to the truly limited nature of our grasp in practice of those values that form the references for human rights, whether emancipation and freedom, or compassion and justice. And, third, to point to the dynamic and open-ended nature of understanding in general. The significance of being attentive to the partiality of one's understanding is that such attentiveness can shift, radically or subtly, the way we go about working with particular issues. In particular, one is more likely to be open to a sense of the processes and of the mutuality involved in arriving at understanding – in this case, of the constitution of community and person. One is more likely to listen.

To grasp understanding as interactive may be peculiarly relevant to working with human rights abuses, since their resolution over the long term commonly involves a reconstitution of community and the relationships that

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comprise it. Moreover, talking about rights often operates as a way of drawing connections or of identifying threads of commonality across boundaries – whether they be national boundaries or ethnic, cultural or economic divisions. That is, it involves a process of thinking about community differently, seeing a connection, recognising some element of 'ourselves' and so disturbing and re-opening 'ourselves'. The discussion of Australian Aboriginal health issues in chapter 6 provides one example of the significance of the process of redefining and renegotiating community to progress on human rights.

Our own contemporary senses of 'the human', of 'the subject' and of 'community', are inevitably embedded in particular, if broad, complex and evolving histories. These understandings of what it is to be human are part of the stuff from which we make our lives and from which we are made – the dynamics of power, the economic formations, our experience of material and natural realities, what we deem to be valuable, what we do not see. Our approaches to human rights are shaped by these processes, often competing or simply discontinuous, of valuing or counting the human. The following discussion looks at aspects of those senses of 'the human', and also at the scope of our duties or responsibilities to each other, generated by what is arguably our dominant model of human rights, that of Lockean contractarianism.

However, it is important to emphasise here that human rights practices are not reducible to contractarianism, while the history of the notions and the practices of rights is complex and varied. In parts of Europe systems of rights, although not of *human* rights, constituted mechanisms for formulating social relations some centuries before the emergence of contract theories. Specific legally enshrined protections or claims that are now strongly identified with respect for human rights are traceable to the evolution of certain such rights practices and modes of governance (*habeas corpus* is perhaps the most famous Anglo-Saxon example) at least as much to later liberal notions of 'human' rights *per se*. The institutions that now serve as pillars of the liberal democratic state (such as the courts system) are not necessarily liberal in origin, and have long and, of course, on-going histories, predating contractarianism and varying across regions. In contemporary practice, rights traditions and means of rights promotion prevalent in parts of Europe rely less on Lockean (or comparable) motifs than is the norm in the English-speaking world. Nevertheless, these motifs remain pervasive and significant.

Moreover notions of human rights are frequently understood as originating, historically and philosophically, not in the social contract but in earlier traditions of natural law.[1] Chris Brown (1999) considers that all notions of universal human rights must presuppose some idea of natural law (although some scholars reject this attribution, e.g. Minogue 1989, Donnelly 1989). At the least, natural law doctrines are to be seen as offering human rights advocates some of their principal themes – the inherent value of the person and the

universality of underlying moral truth, even if they are classically obligation- rather than rights-based cosmologies. Lockean contractarianism can itself be regarded as a subcategory of natural law, but also as constituting a radical break with these already heterogeneous traditions. The notion of the rational and in some cases transcendent individual standing outside society, discussed in the following section, was predicated on a virtual revolution in the fundamental categories of understanding which made up the earlier Thomistic approaches. This figure represented a rationalist break with the world where all dimen- sions, including visible and invisible orders, were understood to be interwoven in immanent as well as transcendent patterns of meaning (Tully, 1991).

Contemporary variations on natural law traditions may also have more in common with and be more open to the social, political and religious traditions of non-Western societies than social contract theory. They may, for example, suggest a variety of ways of constituting 'universality', from the dogmatisms often favoured by the magisterium (which guards doctrinal purity within the Catholic Church) to the fluid, interactive and contextual approaches that flow from an emphasis on a shared 'affective inclination towards the whole concrete human good' (Kelly, 1993: 209). This may be precisely what leads to the rejec- tion of natural law theories as sources of human rights practice by theorists such as John Donnelly (1989) or Eugene Kamenka (1978), who (quite accu- rately) consider all the varied 'traditional' approaches to political ethics to be offering not conceptualisations of human rights – when these are limited to the articulation of the relationship between individual and state – but concepts of human dignity, justice and the recognition of suffering. But this may be to retreat into a kind of rights fundamentalism that assumes that there is one and one only form underpinning practices of mutual respect within political com- munity which emerged in seventeenth-century Western Europe and America and which for the good of all must be systematically applied to the rest of the globe.

In addition to these various sources of human rights, both the theory and practice of rights promoted by the liberal democracies also draw strongly on utilitarianism. Unlike contractarianism, utilitarianism is not a rights-based theory. But it can nevertheless 'deal with' rights, offering a pragmatic and more 'technocratic' approach that is in some ways at odds with the language of fundamental social principle and the more evocative rhetoric of the social con- tract. Whereas the contract theories speak of *human* rights, in the strong forms appealing directly to a figure of the universal human being as the ground of rights, utilitarianism focuses more readily on rights of the citizen and takes con- ventional and positive rights as the model from which assertions of moral or non-positive rights may be derived. Contractarianism and contemporary utili- tarianism are therefore often regarded as offering opposing accounts of liberal society (e.g. Dworkin, 1977). But as currents of liberalism essentially occupied

with questions of the proper relationship between the individual as citizen and the state, utilitarianism and contractarianism also share much in common and in practice work often in tandem. Standard diplomatic treatment of the Universal Declaration of Human Rights (1948) gives some indication of this practical complementarity between contractarian and utilitarian approaches to rights. The language of the Universal Declaration is contractarian. The more frequent justification within UN and national policy-making bodies for upholding the rights standards set out in the Universal Declaration, however, is that most states have signed it, this signatory process being part of the essential procedures for establishing reasonable parameters of international order. The fund of imagery is contractarian while the language of operational power is utilitarian. Discussion here will focus on the social contract, as it proposes the crucial imagery of rights, but will later touch on utilitarian approaches to rights as they feature in international politics.

The social contract

Social contract theories developed from Protestant natural law schools in response to the on-going crisis of the wars of religion and the impact of the scientific and economic revolutions of the Enlightenment upon the funda- mental concepts of the human, the social and knowledge. The universalist structures and claims of medieval Christendom fragmented into savage religious wars contained eventually by a number of treaties, most famously the Peace of Westphalia in 1648. From these treaties and compromises the Westphalian system of individual sovereign powers, which in principle recognised no power above their own purview, gradually emerged. It would seem a mistake, however, to think that the universality of Christendom had simply given way to the particularism of Westphalia. The Westphalian state system is perhaps better understood as a reworking of the relationship between universal and particular (e.g. see Walker, 1993). The seventeenth-century Protestant schools were preoccupied with the problems posed by the religious wars – how to have stable political community in the face of unrelenting religious difference coupled with the pursuit of moral or religious uniformity. They sought to elaborate a 'science of morality' independent or tolerant of the different confes- sions. This 'science', naturally concerned with questions of viable community, became an exploration of the conditions for and management of proper or enlightened states.

Social contract theories (of which there was a range) offered a recon- ceptualisation of the universal, away from being located in a 'spiritual' and all- encompassing community of mankind, dogmatically interpreted by competing Churches, to a mechanism which related the new figure of everyman to a bounded and sovereign political community. This relationship, it was hoped,

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represented 'the discovery at last of the proper basis of social and political life' and a desperately sought 'rational solution to all human conflict' (Minogue, 1989: 6). Recasting the universal in terms of the relationship between individual and state legitimised, in the moral codes of the time, the move away from the destructiveness of a long evangelical war between competing claims to ultimate truth and offered a remarkably effective means of resolving the dilemmas of the time. At least as important, it also established the zone of the 'secular' as the proper sphere of political life and envisaged the possibility of a secular, rational and knowable truth and a secular, rational and knowable ethics. In establishing the zone of the secular, this construction of individual and state radically redefined the boundaries and the place of the 'spiritual' or metaphysical. Moreover, while the particularism of the state was asserted in the face of universalist claims to spiritual, and thus under Christendom temporal, power, the conditions for the proper state, the 'science of morality' and secular truth became in different ways potential new grounds for universalist claims.

Not all theories of the social contract furnish a strong case for rights, however. Of the seventeenth-century theories, the Hobbesian social contract is an argument for absolutist government in which people barter all their rights (except that of self-defence) in the state of nature in return for the protection of the sovereign (Hobbes, 1968). And Pufendorf, for example, sought to distinguish not so much the rights of man but those social duties 'which render him capable of society (*sociabilis*) with other men' (Tully, 1991: xxiii).

It is the Lockean version of the social contract that is the theory of social relations most closely associated with ideas of human rights. This reflects partly the nature of Locke's arguments (particularly in *The Two Treatises on Civil Government*) and partly the historical consequences of the fact that these arguments had such a powerful impact in the American colonies and France. The following discussion, then, addresses aspects of Lockean contractarianism, not in terms of a history of seventeenth-century thought or state practice but as a still powerful way of imagining political relationships. Lockean contractarianism provides a fundamental point of reference for contemporary theoretical departures concerning rights, as in the writings for example of John Rawls, Ronald Dworkin or John Donnelly. But it appears also to be a vein of political imagination at work in the US foreign policy community and to a lesser extent similar circles in other Western states. Arguably, it acts as a pervasive cosmology and set of trainings for constructing notions of the state and the person. This does not mean, however, that the Lockean social contract is always underpinning Western understandings of human rights issues, or that the specific operation of specific rights practices can be simply 'read off' or reduced to the Lockean story. Nevertheless, it is to propose that Lockean contractarianism provides a persistent, powerful and deeply embedded set of conceptual linkages for

Western constructions of human rights and ideals and the rhetoric of political community.

The social contract is conceptualised as a narrative[2] addressing the proper basis and form of rule. To briefly recapitulate: the human person, understood as 'man', exists originally in a state of nature, that is, a condition of existence before entry into political community. In the state of nature relationships belong either to the family, to women and children or to the domain of sustenance, wealth creation and spontaneous association ('civil society'), and are conceived as 'natural' or intrinsic. The state of nature is a state of perfect freedom. But this freedom is marred by the threat of violence to person and property and (in Locke's account) by the lack of an impartial mechanism for judging crime and adjudicating disputes. Insecurity in man's natural relations thus creates a need to establish an order beyond the pattern of nature. In what became a major theme for certain streams in later sociology, man is incomplete in nature and must complete himself, making the state distinct from, yet necessitated by and logically founded upon nature. So natural subjects agree to join together to establish a form of rule which will provide security and just judgement of crimes and conflict. The state thus emerges from, and is answerable to, civil society as the zone of natural relations between men. This is the contract – not a directly 'divine' act of creation but a human act of rational choice and negotiation whereby man exchanges some degree of his natural freedom for a government that guarantees reasonable security.

The political society that emerges from this negotiation represents the proper or essential ordering of power – an ordering which is deemed to take place on the basis of the reason and freedom of the rational subject in the state of nature. Societies may vary in particulars, but the underlying logic of the story by which particular political orders are constituted and bound to the subject does not vary. For Locke (here in sharp contrast to Hobbes), any society which is not constituted as the product of and as *answerable to* the union of rational persons is not truly a political society but merely a degenerated state of nature. For Locke, then, absolute government (such as Hobbes advocated), in which all are subject to the will of one without the protection of institutions of impartial justice, is neither the state of nature nor true political society, but is a degraded nature where people are neither free nor secure. Thus, although political organisation is not intrinsic to the state of nature, one form of political organisation, the liberal state, constitutes the rational, universal and 'natural' progression from nature itself.

It has often been observed that the historical emergence (and endurance) of the social contract as a powerful normative and explanatory metaphor for civil life is closely tied to the rise of the middle classes and the revolutions in social and political structures that accompanied the development of capitalism. The idea of the social contract was a vital lever in the reconceptualisation of

knowledge and authority that constituted the figure of Enlightenment man; its account of political life was intimately bound to the development of the modern state, by providing a mechanism that shifted the ultimate source of authority for government from God to an abstract 'man'. Through its elaboration of the essentially new categories of nature, society and the individual, it was indirectly part of the movement away from the belief that knowledge of the one creation was accessible through spiritual intuition mediated by the Church, to a belief that man was an observer of a segmented universe, knowledge of which was available through observation and experience. In the same fashion the story of the contract has played a seminal role in delineating at least one ideal form of the modern subject, a form that fashions assumptions across a chequerboard of disciplines and institutional practices.

The social contract imagines an idealised subject who is essentially prior to political community, who enters fully formed into the contract that establishes the state, who is motivated by the rational recognition of fundamental self-interest, and who is naturally equipped to take part in the negotiation and bartering that constitute the contract. This metaphor is rich in implications. The subject is individual, autonomous and disembedded from social context. His grasp of interest, value and rationality is cast as prior to and independent of questions of power and political community and thus is arguably prior to the fabric in which one learns one's self. His ability to project and negotiate his self-interest exists independently of socio-political or psychological formation. His relationships with others, at least in the zone of public life, are instrumental. His relationship to himself, the relationship that makes possible the initial exchange of absolute freedom for relative security, is also to a significant extent instrumental. At the same time, he is a heroic figure who straddles the two realms of nature and society, encapsulating the particular within the universal. He is a quasi-divine subject in a Newtonian universe, creating by will and beyond the contingencies of circumstance or mutuality. Compared to, for example, an understanding of the individual as having a potential for acting autonomously within the interplay of social relationships and a fluid world of meaning, this is a radical assertion of individuality. We are in effect given a quite particular political, emotional, epistemic, moral, economic and gendered figure. It is *this* figure that defines the universal man.

In the battleground of early modern political life, this new figure of man-as-citizen (or universal as particular) laid claim to the authority of being grounded in the atemporal, primary and 'scientific' space of nature, as a fitting counter to the king, who claimed the atemporality and primacy of divine authorisation. While in one sense the category of nature signifies the unbridled jungle, it also serves to assert a rhetorical space that stands as the ground of the universal and the normative. In this case nature is not essentially defined, for example, as the domain of the family and its affective relations but

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rather via faculties of reason and the calculation of interest, that is, via categories that serve epistemic functions. 'Nature' remains a fundamental rhetorical manoeuvre in the way we think about political life, functioning as a space upon which we are invited to cast our imagined ideal selves, supposedly purified of partiality or identities shaped in actual power relationships.[3] This is a quite particular way of imagining the category of 'universal', establishing it as static, a world beyond the mess of history, separate from the webs of close relationships and outside the transactions of power. It is also a quite particular way of imagining ethical questions and their relationship to political life (within the state), as both foundational to but severed from it.[4] Moreover the supposedly depoliticised and neutral rationality which marks the category of man in nature defines also the character of the negotiation upon which political society is founded. The notion that there is a space of political participation, as conceptualised by the Lockean contract, which remains fundamentally accessible to all, that it is neutral, spontaneous and universal in form – a 'science of morality' that is normative but also 'secular' or free of 'denominational' or partial values – and moreover that we have it, remain powerful assumptions within contemporary political debate. These assumptions can be distinguished from a recognition of the need of mechanisms for the adjudication of disputes.

Marking a sharp disjunction with much premodern (and modern absolutist or legalist) European political thought, the rights of the citizen were not understood as the gift of the sovereign, to be extended or withdrawn at will. This remains a critical defining feature of the notion of human rights. For the story of the contract, human rights are rooted in the citizen's universal nature. They are given shape or articulated, however, by the process by which he enters the sovereign state and which binds him to his fellows. Rights are in a sense the guarantee that everyman will not lose more than he agreed to barter in becoming a citizen. They are what he holds against the state or the majority as a protection of his natural freedoms. Thus rights are the definition and expression of the universal subject as he enters the political order; they constitute the linchpin between nature and the state. Within the domain of the state rights express the individual's universal nature, but they express nature in a way that requires and calls upon the existence of the state.

When derived from the Lockean account of the contract, rights are what the universal individual carries as he transverses nature and the state. But, as it is now commonplace to point out, not everyone crosses these zones so unambiguously: 'the unchecked individualism of the state of nature does not extend to all persons' (Brown, 1995: 148). Family relations, whereby it is the right of 'the father to exercise alone in his family that executive power of the law of Nature which every free man naturally hath' (Locke, 1966: 153), are part of the natural domain. Man is thus conceived to be free and equal in nature, but it is precisely gendered males who occupy the category of man. Women and the

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family are already from the beginning under the 'executive power' of the 'father alone'. Women belong to a different ontological zone – the private realm and the affective life, not to the public domain of autonomy, political exchange, calculation of interest, universal rationality and rights.

Property and the broader resources needed to sustain it, and thus fundamental relations of production and economic power, also belong to the domain of nature, and not to the state. In contrast to familial relations, however, relations of production *are* part of 'civil society'. For Lockean contract theory all men are understood to have a natural right and equal access to what they need; it is the difference in men's industriousness that determines the differing value of their property. Differential accumulation of the otherwise common resources of property or wealth thus reflects free choice or merit – 'the consent of men have agreed to a disproportionate and unequal possession of the earth' (Locke, 1966: 140). Only European-style agriculture, however, established land as property, with disastrous consequences for indigenous people. Equal access to sustenance is claimed to underlie and be accommodated within the unequal distribution of wealth and productive capabilities. The exclusion of economic relations from the zone of the state establishes the disjunction of political and economic rights, while prioritising political rights and identifying economic relations as not so readily open to rights practice.

The inclusion of relations of production and exchange and of gender and reproduction within the state of 'nature', and their parallel exclusion from questions of political power, have some profound consequences. The first is that these relations are acknowledged, indeed they are seen as fundamental, but they are acknowledged in such a way as to exclude them from discussion – to put them aside from the questions, reflections, negotiations and struggles that are part of the social ordering of power relationships. They are cast not as part of our collective political choices and possibilities but as the putatively natural foundations of those more contested relationships. Moreover, as Wendy Brown notes (1995), writing of the division between the family and civil society, the division and indeed opposition of one domain and the other – the political from the economic, the political and economic from the familial, the public from the private – leads to quite specific characterisations of each zone. Thus, for example, the protracted struggle for domestic violence to be recognised as a crime is in part a consequence of this pattern of divisions.

The second implication of the exclusion of family relationships, and of the child and childhood, from questions of power and political society is both epistemological and political. To set aside the child from negotiation of the contract that marks (for this story) entry into the political is to exclude from consideration those processes of the formation of the capacity for reason and judgement that are epitomised by childhood. It is thus to give no place to contexts of uncertainty, mistake, experience, play, experimentation, and so on in which the

growth and shaping of capacities, including those which enable people to participate in political and social community, take place. Indeed there seems no space given to what is arguably the dynamism and mutuality of understanding. Reason and judgement appear to be at best an already formed trajectory simply awaiting achievement when the child finally reaches adulthood. This implies that reason and understanding are essentially abstracted from people's actual efforts to work with the world. It also indicates a particular model of reason – the disembodied *cogito*, the unattached rational legislator, who is other than and contrasted with the affective relations of the family. This model of reason is implicit, for example, in Lawrence Kohlberg's oft-cited work on the development (in individuals) of universal moral competence. Female subjects in Kohlberg's tests scored relatively poorly – an outcome that, according to Carol Gilligan and others, reflects the partial and gendered character (in particular the formal and hypothetical character) of what was being counted as 'universal'.

'Man' could be understood as a technical term that functions on at least two levels – an overt and a hidden level. Overtly, man is the fully rational individual, equal and free. He is the universal subject, able to stand outside the particularities of his circumstances and so to observe their essential ground – an everyman, able to travel to the American woods or to an interior space of rationality and autonomy. The category proclaims itself all-inclusive. It is significant that this is the category that stands as the basis of both universality and community for Lockean contractarianism. But, even within the terms of its own narrative, man simultaneously *occludes* many people who do not have such powers. 'Man' excludes women, who remain shadowy and dependent within the family, and children, whose capacities epitomise change and fluidity. The category effectively excludes those people who render the state of nature insecure and whose rationality is at best ambiguous. It excludes the physically, mentally and economically vulnerable, for 'only those who could in principle exist in a state of nature make up society and this means only those who can fend for themselves' (Tugendhat, 1994). It excludes slaves, who have by circumstance forfeited their freedom, rationality and right to life. Equality of access to property, which is central to the social contract's view of the autonomous individual, accommodates hidden within itself inequality even to the extent of accepting the existence of slaves, who do not have themselves as property.

Man, as the category of universality upon which the social contract's account of power turns, is thus a notion divided against itself. It claims all and yet contains only some. But those who do not fill the terms of the generic autonomous subject are not simply not properly accounted for. Exclusion from participation in the world of rational exchange and negotiation, the world of political life, itself *constitutes* the domain that they occupy. Moreover, the 'universalisation' of the subject of the contract not only attempts to universalise something that is partial, thereby acting as an impediment to understanding: it

suppresses those constructions or experiences of the subject (and the state and the community) which also do not fit. Thus disembodied rationality, possessive individuality and economic security become the standard of the human. Critiques by feminists, indigenous and Third World activists, theorists and others often turn on this point. Third World and indigenous experiences of the 'universal man' have been at best mixed and often extraordinarily destructive. In its literal manifestation as North America, the nature that Locke imagined as the terrain of the rational individual was in practice cleared by force of its indigenous inhabitants, a practice repeated in many parts of the world.

The double life of man is also reflected in the category of equality. Entering the state, all are equally sovereign. But, as argued above, certain categories of people are systematically excluded from participating in shaping those processes which in turn shape the essential contours of their own lives. Thus the contract recognises the equality of citizens in a way that 'overlooks' but also reproduces the substantive inequalities of people's lives. As Marx pointed out:

> The state abolishes, after its fashion, the distinctions established by *birth*, *social rank*, *education*, *occupation*, when it decrees that [they] are *non-political* distinctions; when it proclaims, without regard to these distinctions, that every member of society is an *equal* partner in popular sovereignty . . . But the state, none the less, allows private property, education, occupation, to *act* after *their* own fashion . . . and to manifest their *particular* nature. Far from abolishing these *effective* differences, it only exists insofar as they are presupposed; it is conscious of being a *political* state and it manifests its *universality* only in opposition to these elements . . . Only in this manner, *above* the *particular* elements, can the state constitute itself as universality. (1972: 31)

This self-contradictory and self-concealing construction of society marks deeply the accounts of political community and of human rights that the story of the social contract generates. It can be argued that the original overlooking of certain categories of person simply reflected the prevailing social realities and that this should not affect the emancipatory insight of the idea of the social contract itself. The idea can be applied more liberally and the pattern of inclusion broadened in keeping with the original intention to widen social and political participation. And in some significant ways that has happened – partly as the middle classes themselves became wider and in some respects more diverse. The story of human rights is often told as a story of the gradual expansion of the zone of application, with the implication that this progress will be continued (e.g. Donnelly 1999).

There is some force in this point. Rights mechanisms have operated historically as both a powerful emancipatory vehicle and 'as a mode of securing and naturalising dominant powers – class, gender and so forth' (Brown, 1995: 99, 100). The emancipatory potential can be, and at times is, used as a tool against

the naturalisation of exploitation. Yet the 'violent founding' of the community of autonomous individuals, and the constitutive exclusions in different ways of women, indigenous peoples, the vulnerable and the 'developing' world, continue to reach deep into the shape of contemporary political community – both within liberal states and more broadly in the structures of international interaction (Connolly, 1995). The difficulty that the social contract faces is not simply that various categories of people, activities and relationships have not been included, leaving them untouched. It is that they have been excluded – in the most extreme form from universality, from community, from full rationality – and this exclusion has been a powerful and formative activity. In ways ranging from subtle to gross, categories of people are still shaped by these exclusions, as chapter 6 explores.

The contract ignores, too, the formation of the self-possessed individual to whom it is addressed. That means it ignores, among other things, the role of the excluded in the production of the fully participating agent. The economic role of the unpropertied – women and the impoverished at home or in distant places – in the production of the autonomous individual is perhaps only the most obvious labour of production that is overlooked. The social contract ignores equally but tacitly the social formation of the excluded, and the ways, direct or subtle, that these zones of existence – one of which is constituted as visible, universal, fully rational and community, the other as invisible, partial, emotional or childlike and a threat to community – are entwined, mutually constitutive and interdependent. In this way, by entrenching a kind of myopia, or a 'politics of forgetting' (Connolly, 1995: 138), the idea of the contract can itself reinforce and naturalise those social dynamics which marginalise, impoverish and disempower.

It follows from the story of the social contract that rights are essentially understood as political and civil liberties – the so-called 'negative rights' of non-interference in life, liberty and property. The continuing power of a narrow definition of rights (despite active criticism by some leading rights theorists) is indicated by the fact that political and civil rights can still be regarded as requiring simply non-interference, and are classed as 'first-generation' rights, while economic or subsistence rights, although given increasing credence, still 'seem strange' (Shue, 1980: 27). 'A standard assumption in liberal theory is that there is only moderate scarcity. This has the effect of assuming that everyone's subsistence is taken care of. You must have your subsistence guaranteed in order to be admitted into the domain of theory' (Shue, 1980: 27). This excludes one-fifth of the world's population from the ambit of liberal theory, as Henry Shue points out.

The idea of negative rights is underpinned by a remarkably persistent assumption that rights can be secured essentially by the state refraining from certain (oppressive) activities. When understood in this fashion, observing

rights appears a relatively easy matter. 'There is nothing essentially difficult about transforming political and civil rights' into legally enforced rights, according to one, still widespread, view (Cranston, 1973: 66). Upholding political rights seems effortless because it is simply a patrolling of the axiomatic boundary between civil society and the state and allowing people to go about their 'natural' business. The complex balance of social forces that may be holding abuse in place can be simply erased. Because rights are understood as a limitation to protect the natural activities of already fully formed subjects, only political rights, conceived of as limits on government (or majority goals), carry strong conceptual links with notions of obligation, justice and universality. By contrast, issues of sustenance or of enabling people to participate effectively in their world do not fall unproblematically into the public domain.

'Second-generation' or positive rights, in this view, require active governance – the provision of social goods of all kinds. In practice they are often approached not as rights *per se* but as a form of welfare that dilutes the concept of rights, for they involve actively intervening in the domain of nature (economic activity, people's social and family lives). Or they are cast as 'welfare rights' (and part of the terms of citizenship in capitalist industrial societies) in contrast to those rights that enable autonomy or liberty. The point is often made that the fulfilment of welfare claims is beyond the scope of all but the wealthiest governments. And what is beyond the power of an individual or a government to provide cannot be reckoned a duty of that person or government. Thus, while positive rights are understood to express social goals or justifiable moral claims, they are not counted as 'something of which no one may be deprived without a grave affront to justice', and thus they 'belong to a totally different moral dimension' (Cranston, 1973: 66) which is not universal and lacks the insistent moral force of negative political rights. Their implementation is often seen as immensely complex (which indeed it is) as opposed to the illusory simplicity of changing political relationships and arrangements.

This view remains deeply embedded, despite the practical evidence that the social and political infrastructure required to routinely deliver and guarantee political and civil rights is significant and complex. In practice, no civil or political right requires 'simply' legislation to be observed unless it is already widely practised. Observance of a right that was not substantially observed previously requires not only systems of enforcement and review but a major change in social attitudes and the constitution of relationships. Liberty, if it is understood to include the physical security, nutrition, education and, importantly, respect that enable people to cross a threshold of participation in society, rather than simply not suffering undue interference, could be the most costly and (in Cranston's terms) impracticable right of all.

The social contract thus provides a minimalist account of the state and political community, and of the scope, nature and subject of rights. The state

and the political order are understood as boundaries – not as producers of or participants in the dynamics of power and meaning across which people's lives are shaped, but as a form around the pre-given content of the individual. This produces a curiously apolitical view of government and the state wherein government becomes 'political' (or ideological), as opposed to purely instrumental, only when it oversteps its role as neutral facilitator. In this constitution of things, the political order can be peeled away, leaving the assemblage of rational individuals virtually untouched. This is an inadequate account of power and the social production of categories and relationships across which people live their lives. It is also a narrow and rationalist account of the dynamics of much abuse, which are often not only the oppression of the already autonomous individual but the positive constitution of violent or grossly exploitative social dynamics and deformed lives. While nothing could be more profoundly 'unreasonable' than severe and persistent abuse, such abuse is not essentially a failure of rationality. Much human rights abuse is maintained and embedded in the entrenched social, economic and psychic processes that generate extreme racism, sexism and widespread practices such as torture, habitual violence and near-slavery. For many 'the sources of injustice and exploitation lie in the social structure rather than in the framework of the state' (Kothari, 1991: 21). The persistence of extreme violence against women within the context of the family in many countries is simply one example of this.

The economic abundance assumed by liberalism during the period when the major lineaments of liberal theories of the state were taking root was underpinned by colonialism. Arguably, the complex patterns of accumulation that have been part of the 'natural' rights assumed by the social contract have often entailed the impoverishment of others, particularly in the Third World. As Henry Shue, among others, has pointed out, our classical construction of rights, in particular the prioritisation of (an interpretation of) political and civil rights itself assumes and is made possible by this abundance and its patterns of enrichment and impoverishment. This is a point argued with some bitterness by a range of non-Western human rights activists.

> By equating human rights to civil and political rights, the rich and powerful in the North hope to avoid coming to grips with those economic, social, and cultural challenges that could well threaten their position in the existing world order . . . [If a struggle for economic transformation is] presented as a human rights struggle . . . it is not inconceivable that the North, which dominates the global economy, will be in the dock. (Muzaffar, 1993: 31)

It has been argued (by Donnelly, 1989, 1999, for example) that the colonial and post-colonial history of interaction and exploitation has itself acted to universalise the value of the Lockean contract, although it is not universal in any inherent sense. Human rights practices, grounded in the idea of the social

contract, have developed in the West 'in response to social changes associated with the rise of modern markets and modern states. However, similar changes in virtually all areas of the world have given human rights a near universal contemporary applicability, despite their obvious historical contingency and particularity' (Donnelly 1989: 2). Modernity has, in practical terms, become universal.

To tell this as simply a story of progress is to ignore the experience that modernity, like other cultural forms before it, is a history of both civilisation and barbarity (following Walter Benjamin's aphorism). The rise of modern markets and modern states on the back of colonialism indeed 'opened up new vistas for many, particularly for those exploited or cornered within the traditional order' in the colonised societies. But these promises of and potentials for 'a more just and equal world' have brought their own 'genocides, ecodisasters and ethnocides', as Ashis Nandy, among others, has pointed out (1983: ix, x). Donnelly's approach assumes that the modernising experience is sufficiently unproblematic to support the unquestioned precedence of one particular conception of human rights as (a construction of) the individual holding rights against the state. 'So-called non-Western conceptions of human rights are in fact not conceptions of human rights at all, but involve alternative conceptions of human dignity and seek to realise that dignity through devices other than human rights' (Donnelly, 1989: 2). Certainly the modernising experience seems highly generalisable, so that 'the West is now everywhere' (Nandy, 1983: xi). This is not coincidental, and is anything but 'neutral' as the processes of modernisation, of which liberalism is a part, participate in the suppression of other conceptions of dignity. Despite this, however, it seems clear that modernisation has not rendered the 'historical specificities and community contexts that define human roles' (Kothari, 1991: 27) so irrelevant. In seeking to universalise a particular model of rights we may be promoting not only the political virtues articulated by the contract but its patterns of exclusion while promoting a tool which is not equipped to respond to many forms of systemically inflicted injury. We may again be turning away from 'the plurality of critical traditions and of human rationality' (Nandy, 1983: x). To dismiss 'alternative conceptions of human dignity' is to fail to grasp the potential for change towards a greater respect for the person that may be present in the circumstances at hand; it is to consider that one has nothing to learn, and it is to continue to 'overlook' other cultural traditions in a way that is characteristic of the profoundly Eurocentric conceptions and interests that dominate international politics.

Contractarianism has exerted a powerful effect on ways of thinking not only about the internal constitution of states but about international politics, although the form of contractarianism more commonly associated with international politics is that of Hobbes, not Locke. Contractarianism is founded on the polarity between the sharply conflicting fields of possibility inside and

outside the state ('nature' in one form or another). Despite the optimism of the liberal versions of the contract, the accounts of what is possible outside the state or between states 'in nature' that its own cosmology of political community generates are dominated by insecurity and tragedy. This is a paradox of contractarian, but more broadly of dominant Western, models of the state. It turns on a dichotomy lying at the heart of our political thought, as Martin Wight has most famously pointed out, between the search for the good life, progress and well-being within the sovereign community and the lack of community, fragmentation, and conflict that characterise our grasp of sovereignty in international relations (Butterfield and Wight, 1966). This is not, however, a dichotomy patrolling two separate zones of being. Both dimensions of political life are generated by the dominant modes of grasping the modern (Westphalian) state, and both rooted in the story of political origin set out in the contract, with the notion of state sovereignty standing as the hinge articulating their movement (see Walker, 1993).

The rhetoric of rights is addressed to the universality of humankind. But contractarianism, from which much of the contemporary rhetoric is derived, is not about people as such. It is a theory of the state and of citizenship which takes as its foundation a retrospective ontology of 'Man'. Within the debates and social realities in which the theory of the Lockean contract took shape, the language of rights worked to counter particular forms of rule, privilege and abuse, championing in their place and under the banner of the universal quite particular conceptions and *subjects* of freedom and equality. The particular character of universal man, the split between private convictions and affective life on the one hand and public rationality on the other, enabled a move away from the violent claims fuelling the religious wars and opened a space of relative tolerance and autonomy. There is continuing value in the model of the unattached legislator. But as an Everyman it has naturalised its own oppressions and exclusions. When we recirculate arguments about the universality or otherwise of human rights standards, it can be the scope and applicability of this broad but particular picture of the human and of community that we are discussing, not whether and how it is possible to work against particular patterns of violence, degradation or suffering.

To draw attention to such division and potential for ambivalence in the language, and also in the practice, of rights is not to argue for the abandoning of the idea. It is simply to argue the need for persistent and collective attention to *how* rights may be operating or may be used in particular circumstances. The idea of human rights is not a guarantee. At its broadest the idea of rights refers to a protean set of tools, practices and orientations, imperfect, uncertain and evolving, upon which we can draw when grappling with questions of how to live well together.

The international domain

It is realism, as a twentieth-century theory of international relations, that has articulated most powerfully the possibilities of international life proposed by the story of man in nature. It is realism, elaborating perhaps freely from a Hobbesian rather than a Lockean account of the social contract, that captures both the overriding emphasis on the state as a principle of exclusion and inclusion and the ahistorical conflictual zone of 'nature'. The writings of Locke and Hobbes (let alone other social contract theorists) on the nature of the relations obtaining between states do not lead directly to realism as a theory of international politics. Nevertheless, realism finds its source in an echo of this story of the state's origin. Even in the Lockean version, nature stands as both the space of universal rationality and the anarchical absence of government. Rationality moves forward into government and the state and defines the zone of the study of political community. Realism's scope, however, is the dimension of nature as anarchy that forms the flipside of the 'science of morality' and the principle of sovereignty.

In both (of what could be loosely called) its 'strong' and 'softer' forms, realism has been the dominant mode for understanding world politics at least since the Second World War, although, clearly, it is the inheritor of much older modes of address and their preoccupations and maxims. It has not only formed the core of theoretical discourse concerning the world of states: often coupled with a changing selection of other themes, it has acted as a persistent thread patterning the view of international life prevailing in bureaucracies, journalism and everyday commentary. Thus the various forms of realism constitute a basic context for the handling of questions of rights in international life.

Inevitably, any discourse which has been so broadly and persistently persuasive will exist in diverse forms. Indeed realism interweaves powerful, but also contradictory, themes of Western political thought. There have been, among the variations, at least two fundamentally different, even opposing, orientations in realism. The first is a critical voice exemplified best perhaps by E. H. Carr. In this voice, realism operates as an antidote to a particular kind of hubris – the rather nasty complacency of power mistaking itself for virtue. It is a sceptical exercise that draws on historical analysis and sets store by good seamanship (in Michael Oakeshott's sense) rather than in the promise of arrival at a final port. For Carr, at least, realism remains in need of the opposing and balancing convictions of idealism, with the two fixed in a permanently see-sawing relationship (in which realism dominates).

By contrast, the second orientation of realism (and neorealism) emphasises its claim to be the voice of an inexorable reality while also defining itself through

its opposition to idealism. Its tendency is to identify with the power it claims to describe.

It may be unsurprising that realism is therefore, at the least, the de facto preferred theoretical stance of major international powers. It seems that, over time, the latter tendency has become dominant (though one piece of work may move between the two voices) and it is this tendency, found in 'hard' realism (and more prevalent in the work of, for example, Hans Morgenthau or Kenneth Waltz) focused on here. Nevertheless, the variations of realism share key themes to a greater or lesser degree. Realism could also be regarded as including much pragmatic foreign policy analysis, analysis that indeed takes as common sense a number of realism's principal observations without, however, necessarily endorsing the breadth or assertiveness of the theoretical framework.

Its exponents claim that, as an intellectual tradition, the roots of realism can be traced to Thucydides and other, non-Western, ancients. This claim is based partly on the assertion that, as a theory of world politics, realism grasps the essential realities of power and conflict that form the enduring bedrock of political life. Realism is thereby often portrayed as part of a deeply rooted 'common sense' about the facts of power. Realism does offer insight into the dynamics of power, conflict and the behaviour of states, but it arguably focuses on one, albeit significant, moment in the complexities of international life and freezes it. Its claims to common sense are perhaps strengthened by its mirror fit with liberal accounts of political community within the state. Realism provides a pervasive context within which questions of human rights in international politics are framed. As a dominant political theory, it has been analysed and criticised frequently and from a variety of positions. What follows is a discussion of some of its effects on the way we approach human rights issues internationally. In particular, questions of change and timelessness, and of the relation of power and ethics, will be discussed.

Realism is a theory of states operating under conditions of anarchy and mutual mistrust (nature), their interactions constrained and ordered by the shifting balance of power and the more or less mutual recognition of their common fate.[5] Its claim to span so much of history is grounded in a belief in the essentially unchanging nature of the dynamic it describes – 'the striking sameness of international life for millennia' (Waltz, 1979: 66). In effect, this is a reduction of history to 'nature' – not the dynamic, teeming nature of the natural sciences, but the separate and immutable domain of early modern social theory – whether it is human nature or the systemic inevitabilities of the interaction of states. As a theoretical structure realism turns on an elegantly formal dichotomy – that is, the paradox between states' necessary effort to maintain security and, because security is achieved at the expense of others, the inevitable tendency of this effort to produce insecurity. This pattern, of a damaging *a priori* dichotomy that can not be resolved but is at best contained or managed, pro-

vides one of realism's key analytical mechanisms. Realism thus endeavours to explain the workings and the logic of an all-but closed system and examines how, sometimes despite people's best efforts, that system reproduces itself.

For realism, therefore, particularly 'hard' realism, the history of relations between communities is essentially repetitious and driven by necessity. This establishes the character of realism as an explanatory system. It is hardly equipped to throw light on change in the world it describes, nor is it concerned to elucidate the possibilities for acting otherwise that can emerge from actual historical contexts, for these are registered as simply shadows on the face of what is the same and unchanging. Because realism focuses on states (and therefore on the many) it can be seen as particularist. However, the timeless and inexorable quality of nature or system constitutes the universalism of realism. It allows little scope for individual human endeavour to do other than bear one's load with or without determination. Preoccupied as it is with Thucydides's maxim that the strong do what they will and the weak do what they must, historically realism has failed to recognise the scope for action by the 'weak'. The later discussion of East Timor explores some of the consequences of this particular oversight.

Realism describes a world pessimistically founded on the idea of the ontological incompleteness of the human being. However, unlike accounts of ontological incompleteness within the state, for the international arena there is little hope of the humanly constructed completion offered by society. Realism, particularly in its more classical expressions, thus often carries a sense of tragedy; indeed, it draws explicitly on the motifs of tragedy as a literary form, insofar as it is populated by figures conscious of moving inexorably towards a doom stemming from ineradicable flaws in their own condition – in this case flaws grounded in the relentless, often violent, struggle for power that is seen as fundamentally shaping international life. George Kennan's description of statesmen as 'actors in a tragedy beyond their making or repair' (quoted in Garnett, 1992: 66) captures this clearly. Realism's claim to kinship with the ancient Greeks, and therefore to a timeless common sense, may work more through its use of the compelling and socially embedded dramaturgical mode of Greek tragedy rather than any particular continuity of political judgement. But realism's claim to historical continuity and its pessimism also rest on the use of certain Christian motifs. It stands as a political theology of the Fall and the unredeemed, where the good can by definition only be what is beyond reach. This has immense consequences for thinking about the ethical fabric of life.

Power is the principal explanatory concept for realism in international relations theory. It defines the particularity of the political arena and supplies the essential structure through which phenomena are intelligible. Power is thus irreducible, marrying the core of political life with the acuity of theoretical insight. The struggle for power defines the nature of an imperfect, incomplete,

'fallen' world. But this reference to imperfection does not denote simply the messiness of life; nor is it to forgo the assertion of the ontological primacy of abstract principles with which 'perfection' is often associated. On the contrary, 'imperfection' is an assertive claim as to the essence of things, and sets the relation of 'power' to 'ethics'. While the dynamics of power establish the reality of political life, 'ethics' belongs to a realm of perfection. Those who seek to structure political life according to 'ethics' are idealists. In practical terms conflict between the apparent dictates of morality and self-interest can be a common enough occurrence, but what realism proposes here is a deeper truth. Ethics is elsewhere, by definition, a world of seemingly static principles, and in the 'real' world of power seen only in its shadow of hypocrisy or an arrogant, self-righteous idealism. According to this dichotomy, questions of power are what cause moral truth to slip from our grasp, as if ethical problems concerned a world other than human, including political, experience. As Walker has pointed out (1993), this dichotomy sets the terms within which much international relations theory is constructed. Those more optimistic voices that ask how to bring ethics to bear on international relations are already accepting that 'international relations' is predicated on the abstraction and separation of the two domains.

This produces a strangely abstracted version of both power and ethics. Indeed, despite claiming to reject all belief in utopian abstractions, realism is itself an idealist and explicitly normative (if distopian) doctrine. Power and ethics tend to be understood not as ways of grappling with the complex and fluid movement of life but as two actual domains, patterned by their own laws. 'Realism is a clear recognition of the limits of morality and reason in politics'[6] (Harland, quoted in Garnett, 1992: 66). The problem here is not the recognition that one can reach the limits of fixed principles and abstract reasoning, but the equation of these frozen standards with 'morality and reason'. In an extreme form of this polarisation of power and ethics, Morgenthau states that 'the political realist maintains the autonomy of the political sphere . . . He thinks in terms of interest defined as power . . . the moralist, of the conformity of action with moral principles' (Morgenthau, 1978: 12). Even the early Bull (1977) sees justice epitomised in violent revolution or in the maxim 'Let justice be done though the heavens may fall', and thus in fundamental conflict with 'order'. Rather than an inevitable part of the process of shaping our collective lives, ethics becomes, really, another claim to power, as perhaps it must in this doctrine of our collective exclusion from disembodied perfection.

Thus, for realism, while power is emblematic of all that is significant in international life, the prism through which all else makes sense, the conception of power is divorced from questions of what people value. More broadly it is divorced from the processes by which 'valuing' – forming the categories by which we understand and live our collective and individual lives – takes shape.

By understanding ethical and political questions as belonging to fundamentally different abstract domains, realism mystifies ethics and empties politics, offering little insight into how to deal with those numerous practical conundrums in international life which are simultaneously political and ethical. The effect of explaining so much in terms of power while at the same time shearing history of everything but the timeless clash of contending forces, of stripping everything down to the underlying interest, is that the category of power itself becomes almost emptied of content. It is a negative (if nevertheless important) conception of power as the bending of one agent to the will of another – a conception that overlooks the constitutive and enabling senses of power as well as the notion of power as resistance explored by Michel Foucault and feminist writers (e.g. Bernice Carroll).

The cultural dichotomy between power and ethics, might and right, upon which realism draws and which it reinforces, is deeply entrenched. What the dichotomy does not describe, however, is the dynamic nature of both power and ethical direction, the complex, perhaps mutually constitutive, interaction between the two categories and the contingent, rather than essential, nature of any distinction between them. It is not only that the demands of power and ethics can sometimes coincide. The development over time of the shared sense of what is right, desirable or ideal, shifts the limits of the possible and the parameters within which interest and power are calculated as well as ethical directions adopted. The relentless polarity between power and morality (or order and justice) that realism (and utopianism) propose takes these non-dual currents in the life of human communities and turns them both into 'fixed and absolute standards' outside of history.

This has a number of rather different implications for approaches to human rights issues internationally. Questions of rights are marginal to the core concerns of realism. Realism is concerned with states, and (in line with liberal constructions of rights) understands rights as belonging primarily to individuals. The narrow category of power and the lack of ways of thinking about political change hardly prepare realism for questions of response to systemic infliction of injury. Within a strictly classical realist framework there is really no place for notions of human rights – they belong to what could be called the 'private life' of states, and their pursuit across borders threatens international order. In practice in Western states, however, such a simple dismissal has been contentious since the end of the Second World War and for some decades has not been feasible – the framework of what constitutes order in international relations has been shifting. But realism can also be divided against itself. Realist goals of power maximisation and the more Westphalian tenet of non-interference (or carefully managed interference) can be in conflict with each other. Thus realist approaches *can* mean that questions of rights are simply not taken seriously since they belong in the category of 'ethics' – they are included on the foreign

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policy agenda as a result of pandering to elements of the domestic electorate. But realists can also take human rights very seriously indeed.

For some states in particular, human rights in international politics have become part of the currency of self-assertion. Under these conditions, rights in effect come to be treated principally as elements within the on-going competition for supremacy, or 'edge', among states. International reputation and occupancy of the moral high ground are valuable commodities. Under such conditions, the goal of a reduction of violence or improved conditions of respect for excluded groups can become rather less important than the process of achieving it, which is another complex step in the efforts of governments to assert or resist pressure. Even when respect for human rights is upheld as a serious commitment in itself, the tools of realism are implicitly competitive, confrontational and threatening.

Of course, such an approach can be effective and at times may be the only available tool that promises any success. It can produce important results – the release of prisoners, a constraint upon a sadistic regime, a timely warning of the costs of a destructive policy direction. But it has, as it were, one tool in its kit, and that is the graduated scale of confrontation. Moreover, the purpose of the task is often highly ambivalent – and that inevitably skews its execution. Some of the sharpest criticisms of this approach come from the more sceptical traditions of realism itself.

> There is a certain tendency in the Western countries to believe that . . . the human rights problem is essentially the problem of how Western countries are to use their influence to bring the Socialist countries and the countries of the Third World into line on this matter. Indeed, one can say . . . that the public appeal of human rights as an objective of foreign policy derives in large measure from this belief that the guardianship of human rights in the world as a whole is a special vocation of the Western countries. It helps to restore our flagging conviction of our own virtue, and at the same time enables us to give vent to long pent-up feelings of frustration and aggression towards our critics in other parts of the world. (Bull, 1979: 84)

Curiously, it may be precisely that approach to rights which pursues them primarily in terms of conflict, confrontation and national or cultural self-aggrandisement which most easily slips into casting the pursuit as a moral crusade. Here, in the practice of great powers in particular, the mechanics of realism can slide into a selective rhetoric of liberal triumphalism and the aggressive export of 'the truth'.

If human rights are indeed a way of asking or of answering the question 'How do we live well together?', they are a demonstration of the enmeshment of politics and ethics. The assertion of human rights is part of politics as it questions the constitution of relationships and agency and the circulation of power. And, in the same way, notions of human rights address the processes, slow and

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invisible or explicit and direct, by which we come to value things. Abuse is often embedded in damaging social practice and relationship. It is generated not only through that exercise of power that is forcing others (unreasonably) to your will (although that is a significant form of abuse) but through that power which is the systematic production of deformed, marginalised or malnourished lives. Moreover, these two strands of abuse are frequently entwined. Realist analysis does not equip you to engage with these realities; indeed it can obscure them.

The classical constructions of human rights are liberal in origin, and it is not surprising that support for human rights in international politics is more easily associated with liberal than with realist orientations. The growth of an international human rights regime since the Second World War can be under-stood as reflecting a reduction in the power of the 'radical statist logic' of realism (Donnelly, 1999: 71) and a consolidation of liberal influences. When discussing human rights, liberalism can thus be cast as a clear alternative to realism. The emergence of human rights as a topic for international relations over the past fifty or so years is a significant development in international politics, as Donnelly notes (1999). Liberal perspectives have contributed substantially to enabling and shaping this process. As suggested above, however, realism and liberalism can also slide into each other. If realism has best captured the story of man in nature in the international domain, it is liberalism, as a family of sometimes contradictory political motifs and trajectories, that in Western states at least underpins our conceptualisation of political community. The international arena and the state are not separate ontological zones but interdependent effects of the way sovereignty has been constructed (Walker, 1993). In practice, the two are utterly entangled.

Liberalism has a broad agenda and within the international arena is characterised by a number of interweaving streams, some more communitarian, some internationalist, some highly critical of various elements of contemporary international life. The more dominant forms of liberalism in contemporary international politics – interdependency and regime theories, neo-liberal institutionalism, and so on – draw on largely utilitarian traditions and are associated with the effort to construct institutions, regimes and norms. These traditions have undoubtedly contributed to the construction of a framework of international human rights mechanisms. Debate about human rights is frequently couched in terms of a conflict between the principle of non-interference in the domestic affairs of another state and the international promotion of social and political norms. The principle of non-interference has stood as a basic element contributing to order in the Westphalian state system (if often ignored when the demands of other forms of 'order' become more pressing). However, various international norms may also themselves be regarded as fundamental to orderly relations between states, as Hedley Bull pointed out (1977). The

promotion of norms, in this context, could be regarded as an essentially liberal endeavour; it could also be seen more broadly as a response to the relative increase of diversity within the state system as a result of colonisation and, subsequently, decolonisation following the Second World War. The principles of order articulated by the treaties of Westphalia, the boundaries within which difference was to be tolerated, occurred within a reasonable level of cultural consonance – sovereignty is both a definition of separateness and a commitment to a level of conformity.

This suggests a considerable interlinking of realism and liberalism in the international sphere, a relationship which interdependency and regime theorists acknowledge (e.g. Donnelly, 1986: 640; Keohane and Nye, 1987: 728). Moreover, it is a relationship that sets the themes in the management of rights issues in many multilateral fora, as well as in bilateral interstate relationships. The approaches described by interdependency and related theories are a major element in the everyday workings of many national foreign policy agencies and related national and international organisations. In practice, a division of labour in many theory and policy circles between realist and certain liberal approaches creates only occasional friction.

Within that complementarity, however, important differences between realist and dominant liberal tendencies in international relations theory remain – differences relevant to questions of rights. Liberal theorists focus on the interleaving of national and international interests as states find benefits in acknowledging and exploiting multiple channels of information, bargaining and exchange. Whereas realism is concerned to explain conflict, liberal theories explore conditions under which cooperation occurs in a world understood to be both anarchic and interdependent; whereas realism emphasises the systemic constraints that determine the underlying dynamic of relations between the state and the timeless nature of power relations, liberalism proposes the significance of human agency and its capacity to shape developments and history as (at least potential) progress. Again, whereas realism casts international relations as its own autonomous domain of investigation and activity: 'the realm of recurrence and repetition' (Butterfield and Wight, 1966: 17), of competition and distrust in contrast to the rich possibility of relations within political community, liberalism sees the boundary as more fluid and the patterns of interaction outside the state as potentially analogous to domestic processes. Moreover utilitarian liberalism does not echo realism's epic tone but reworks it into a pragmatics and a search for workable bureaucratic norms.

While fundamentally state-centric, liberalism emphasises the processes by which state and non-state actors build habits of interaction, establish patterns of conformity and constrain uncertainty. The architecture of UN standard-setting on rights, the various regional rights regimes and less formal multilateral clustering or solidarities on particular rights issues could all be understood

(although not reduced to) examples of such cooperative and constraining webs. Self-interest remains, for these approaches, a fundamental concept and the defining characteristic of both rationality and human agency. But liberal theorists draw attention to some of the processes by which patterns of interest are defined and shift and so cast interest as a more interactive, heterogeneous and negotiable construct than strong realism allows. Central to this interactive self-interest is the idea of learning. For interdependency theory, for example, learning occurs when rational agents change how they think about their interests, a change that follows new experience or a redefinition of the context within which interest is recognised. Learning is thus a process of changing perceptions of interest brought about through interaction and the effort of mutual adjustment. Self-interest can also contain 'empathic' elements (Keohane, 1984: 111) where the line between enlightened self-interest and what might be called intelligent self-sacrifice becomes blurred. These are important features, serving to distinguish liberalism from realism. However, despite the potentially fluid and dynamic nature of interests defined through institutional bargaining and the blurring of the distinction between the 'games and coalitions' shaping the agenda inside the state and those crossing state boundaries, the self defining the 'interest' remains a given and essentially unproblematic category.

Prevalent liberal approaches thus offer points for helping build or for assessing certain kinds of practical coalitions on human rights issues internationally. The view that states can change over time in their dealings with each other as well as within their own community stands in sharp relief to the belief that international relations is an inevitable recurrence of necessitous behaviour. In contrast to the intense polarities of realism, the dominant strands of liberalism propose an understanding of cooperation that does not exile conflict. Within limits, both become part of the normal processes of interaction. This acknowledges an approach to human rights not only through state to state confrontation but through seeking shared solutions to common problems through norm building and learning. In keeping with this more flexible appreciation of interaction, power is approached from a broader, more complex perspective, as multivalent and fluid. Joseph Nye speaks of 'soft power', as 'the ability to structure a situation so that others develop preferences or define their interests in ways consistent with your own' (quoted, Van Ness *et al.*, 1992: 30). Peter Van Ness argues, with some force, that 'soft' power captures well the success of various NGOs, such as Asia Watch, in the field of human rights. These are important reflections on and contributions to the dynamics of international politics and the potential for progress on questions of rights.

The effort to build a shared vocabulary in the face of difference, to draw on resources of 'soft' power to construct at least the context within which common norms can emerge, and the potential for learning may illustrate both the strengths and the limitations of the major streams of liberal theory in the field

of international human rights. At a simple but significant level, this approach reiterates the immense importance and day-to-day reality of cooperation, reasonableness and the slow persistent effort to build connections that mean something to the participants. Regional rights regimes or institutions and above all, the complex array of UN rights machinery stand as the classic examples of the construction of multilateral norms in this most difficult field. Norm building is founded on the commitment to dialogue – dialogue across different political, legal and social cultures, different economic realities, different histories and simply different sovereign claims about what actually are accepted as the worth and reach of norms, and about actual cases and whether they contravene those norms. In practice, dialogue is important because of its capacity to consolidate norms, but also because of its potential for open-endedness, for movement into unknown or unpredictable territory, a potential that seems little considered by utilitarian traditions.

Despite these strengths, however, liberal approaches seem deeply constrained by the character and the pervasive dominance of the models of 'the person' and 'the community' within which they operate. Claims to universality for human rights covenants provide one way of reflecting on these limitations. International rights machinery is regularly celebrated by the assertion that effectively universal standards on human rights have now been created by the work of the UN and are expressed in the rights charters and the body of international law. 'Governments, working through the United Nations, have been successful in establishing universal standards for civil and political rights as well as economic, social and cultural rights' (Van Ness *et al.*, 1992: 48). 'The universality of the Universal Declaration of Human Rights and the International Human Rights Covenant is now the real starting point for discussion' (Donnelly, in Van Ness *et al.*, 1992: 48).

The UN charters indeed represent significant achievements and have acquired the status of customary international law. They can indeed work as a starting-point for certain discussions. And it might even be true that the international rhetoric of rights represents 'an implicit, submerged, or deflected expression of a sense of moral interdependence' (Donnelly, 1989: 617). But this is a long way from the assertion that universality of standards has been achieved. What does such a degree of apparent self-confidence reflect? 'Universality' is here based on an appeal to a pragmatic and utilitarian, not an ontological, justification – it literally means that, for whatever reason, most governments have signed the relevant declarations and more or less participate in the relevant multilateral fora. Yet the word suggests a greater power and reach, and a deeper acceptance. The fundamentally state-centric nature of most forms of liberalism allows the pragmatic to slide towards the ontological, as do the unreflective 'thin' notion of the self and political community and a 'negative' narrow construction of the forms of systemic harm that can be embedded

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in sociopolitical relationships. All three elements enable the signature of governments – significant though that can be – to stand somewhat too easily as a crucial sign of the direction and the character of international life and our attentiveness to the patterns of suffering institutionalised within it. Perhaps, too, the declaration of universality implies that human rights standards are already well in hand and, despite some occasional slips and blind spots, unproblematic, at least for the liberal West. This is the 'message' approach to rights promotion: we have the truth (even if we are not always perfect); let us teach you. It rests, in this case, on an unreflective category of the self, including both the self as bearer of that message and 'the other' who receives.

What are some of the elements of this unreflective self? One is simply a failure to look critically at ourselves and our tools. The self-confident assertion of universality suggests a pervasive belief in the progress of modern rationalism – that the globalisation of Western liberalism represents the natural, if not inevitable, path of evolution of human history and that the onward movement of modernisation is ultimately an innocent, transparent and emancipatory process. But as this chapter and the discussion of Indigenous Australians' health suggest, not simply the application but actually the constructions of human rights themselves in developed states can be ambivalent, myopic and exploitative. In the international arena, the persistence, for example, of widespread starvation as a feature of our political and economic lives – a phenomenon that is sometimes ruled out of consideration under the category of 'human rights' – raises at least some questions about our collective constitution, let alone implementation, of rights standards.

Without critical self-reflection, however, and thus armed with the belief that those of us in the West already know the story of human rights and human wrongs (to use Ken Booth's phrase), difficult conversations, particularly across cultures, sovereignties and histories, can become both more elusive and less productive. Yet without such dialogue norm-building exercises may rely increasingly on the 'hard' power of realism. When struggling with the need to respond to a particular atrocity, of course, self-reflection may seem neither appropriate nor tactically wise; within the context of a broader engagement on the patterns of harm we find acceptable within and across our communities, it may be fundamental. Liberalism hardly predetermines complacency on the part of negotiators and the institutions of which they are a part. But it does support categories of rights that 'overlook' much entrenched and systemically imposed suffering. Nor does it make available the tools with which to consider what those of us in the liberal states may have to learn about respect for people.

Despite emphasis on intersubjectively created meaning, much liberal theory starts from a strong presumption of universality – not necessarily regarding human rights but of the nature of knowledge and the person. Here the self is the ideal bearer of a process of calculation, operating a universal method. This

self – the subject which defines the universal – is in many respects the same construction as contractarian man, discussed earlier: technocratic and rationalistic, self-possessed and self-interested, alienated and gradually accumulating knowledge in order to improve technical control of the matter at hand. Or he is the object of those disciplines. This is a highly specific and limited construction of the person, of interaction among people and of knowledge. It is apposite, then, that this instrumentalist understanding of human interaction so often takes as the real subjects of its theory the 'elites' of the state – national leaders, decision makers in the relevant area and the world of international diplomacy. For this world is itself in many respects a modern technocratic construction, and its movements are suited to the insights that interdependency theory offers. For interdependency theory, what people think is an important dimension of political reality. But the kind of human agency that is proposed is of a quite limited order – bureaucratic bargaining.

The premature optimism of the belief that universality has been achieved can thus also come from taking the world of multilateral diplomacy – the field of operations upon which interdependency theories, for example, focus – as the icon of and the gate to the reality of international life. This reflects the assumption that the task at hand is to a significant extent one of capturing the assent of an (in practice rather narrow) elite, through a combination of rational argument and political pressure. (Such agreement, of course, can provide important tools to international bodies or movements for change within the state.) This is a misreading of both multilateral diplomacy and the obdurate complexities of international life and political change. The patterns of suffering or harm which our political and economic systems impose on each other can be rooted in some of the basic forces which shape human identity – political, economic, cultural, and emotional. International institutional machinery is indeed an important tool in working on questions of rights. But the achievement of 'universality' across societies in the form of real dialogue and significant agreement on and commitment to working with the forms of abuse embedded in collective life seems as yet some way off. To capture the agreement of elites is precisely the task for a range of international issues for which regime and interdependency theories offer valuable analytical tools. For human rights, effective change that does not simply substitute one form of abuse for another is a more arduous task.

Interdependency theory proposes a model of interaction and interdependent interests. This has the potential for presenting communication as a two-way street and for emphasising that societies in fact have something to learn from each other regarding respect for people. Yet in practice the greater emphasis seems to remain on declaratory standards, which while important can give a false promise of clarity, rather than on the shared activities normally associated with learning. Despite the work of a range of UN organisations, as

well as various bilateral and multilateral bodies and programmes, opportunities for learning at the sites of abuse – and so for changes in both behaviour and understanding among those engaged in abusive relations – remain relatively unexplored. These are areas of dialogue and practical cross-cultural engagement, supported by a range of non-governmental and international organisations, where practice is likely to run ahead of theory and offer new sources of theoretical insight.

This is certainly not to argue that utilitarian liberal approaches have nothing valuable to contribute to questions of human rights. Even less is it to suggest that international rights regimes are doomed to inadequacy. On the contrary, work on interactive learning and the construction of shared understandings and standards could be taken far more seriously and applied in a more exploratory and probing manner. Such work could more regularly reach beyond the world of multilateral diplomacy to the actual sites of the social practice generating abuse. (Or, at least as contentiously, international processes themselves could be explored for the extent to which they maintain or create conditions for severe abuse.) And theoretical engagement with such work could be open to richer understandings of the subject and the constructions of political community. But to inflate the achievement of current practices and orientations is to imagine, wrongly and with increasing difficulty, that 'we' in the West have emancipation more or less in hand.

But just as liberalism is unable to deliver on the promise of political salvation in which it has schooled us, neither is it the epitome of disaster that it is sometimes painted. Liberalism is not an ideal essence, predetermining and completely containing its various moments. It is a complex history of administrative and governmental practice dramatised and summarised as a story of multiple parts about how people live together. This story is spoken in different contexts, as part of different communications. The idea of a neutral public service, for example, is part of a different battle, and it carries a different significance in China from that which it has in Canada, while an emphasis on standard setting may have a different resonance in post-apartheid South Africa than it does in Bonn. Technocratic liberalism and its search for global norms may be unable to provide the approaches necessary in order to engage with the 'historical specificities and community contexts that define human roles' (Kothari, 1991: 27) and in which abuse is often embedded. The task is well beyond realising in practice the values we already largely share. It may also require greater critical reflection on what we mean by 'rights' than simply the more widespread institutionalisation – implicitly *from* here *to* there – of standards that are already given. Our shared understanding of the need to refrain from systematically injuring each other, let alone of how to go about that task, is not secure or given or complete. If anything, it is intermittent and recurrently under threat.

Realism and liberalism form dominant complementary voices addressing human rights issues in international politics – at least in policy and academic circles. But there are other, related, voices: a more specifically legal emphasis; attention to the historical development of an incipient society of states; idealism or utopianism; and the critical insights of Marxism. Marxism has not formed one of the dominant approaches to rights, and so will not be explored here; but it has nevertheless had a major and on-going impact on thinking about rights. As well as denaturalising liberal notions of rights (evident in the quotation of *The German Ideology* earlier in the chapter) through its analysis of the global dynamic of production, Marxism enabled quite a different appreciation of the international dimension of rights from that offered by liberal and interdependency theories. Various Marxist approaches have offered a critique of the dynamic structures of enrichment and impoverishment, and so have given substance to the idea of patterns of abuse and the assertion of rights beyond the boundaries of citizenship. Moreover, drawing on Marxism's emphasis on the primacy of human production in the continuing transformation of the social and material world, later interpretations of Marxism (neo-Marxism, critical theory) have questioned the production of fundamental categories of identity, power and social reality, thus making possible subtle critiques of liberal notions of rights and of specific patterns of abuse. However, Marxism's other great impact on questions of human rights to date has been, not as a critique, but indirectly through the rigidities of the communist states and the unyielding political and strategic structures of the Cold War. It is difficult to assess the impact of the brutal and confrontational simplifications of the Cold War on the development of international practice and understanding of human rights at a time when questions of rights were being explicitly constituted as international. Nevertheless, an extraordinary amount of energy was diverted into sterile competitive debates and to efforts to control any access to rights by clients of both states.

Utopianism, or idealism, is a marked presence in any discussion of human rights. In contemporary political terms, idealism is perhaps most closely associated with the impulses and language of human rights activism. And yet, in another sense, the actual conceptual terrain which has since the seventeenth century generated and dominated our models of human rights is itself idealist. For it is idealism, as a thread seaming various approaches to political life, that asserts the truth and defines the ground of the universal – idealism that identifies goodness or truth in a realm of its own. In one way or another, the theories of politics and international relations that have been discussed here situate themselves in relation to the tenets of this mode of understanding. In some ways it would make more sense to start this consideration of dominant approaches to rights in world politics with idealism, for realism initially defined

and situated itself through the rebuttal of idealism, by turning idealism's hope for a 'perfected' world on its head.

> Again we are drawn to understand that the dominant theoretical tradition in international relations theory is not political realism but idealism, for it is the possibility of universality proclaimed by idealism that makes possible the discursive linkage between difference, relativism, anarchy, tragedy and violence. (Walker, 1993: 74)

Idealism stands as a kind of alter ego to realism while including the relentlessly optimistic notes and the constitutive assumptions of some branches of liberalism.

As a philosophical move, idealism posits an ultimate truth, as an essence or an idea, hidden beyond or behind the processes of living. It searches for or assumes possession of a metalanguage that expresses this perfect reality. Thus idealism sets in motion the bifurcation between experience as the 'dark glass' which both expresses and hides, is passing, fragmentary and misleading, and the abstract essence which is whole, timeless and true. This is the quandary of true and absolute versus fragmented and unreliable on which we have strung our understanding of how to care for each other.

Idealism not only describes a range of overtly idealist philosophical positions but remains a powerful dimension in theories, some versions of Marxism for example, or realism itself, that endeavour to expunge it from their work. At the same time, and closely related to idealism as a philosophical move, the term also describes a strong emphasis on the driving force of moral values and a rejection of 'pragmatism', or the morality of the 'lesser of two evils', and an impatience to arrive at and judge situations in accordance with ultimate moral realities. Strong realism is idealist in its presumption of ownership of a metalanguage. In their depiction of 'power' versus 'ethics', idealism and realism are mirror images, locked into the kind of struggle in which, like the mythic generational battles, each side needs and reproduces the other as parody of its worst fears.

Idealism draws on those veins of thought which belong to the ontological traditions of natural law and variations of Kantian transcendentalism. In its more Kantian form in international relations theory, it is associated with a belief in the universality of ethical principles that express the unity of humankind (or the harmony of all fundamental interests) and that can be recovered by rational thought. It looks for a natural cosmopolitanism, now artificially constrained by structures of power and deception and by parochial or non-rational divisions of creed or culture. In this aspect, idealism offers a sharply different conceptualisation of international life than either realism or utilitarian liberalism – here the state is at best a temporary means or at worst an obstacle to the proper end of politics. Being universal and transcendent, the principles put forward by a

utopian movement are often understood as unchanging, and in theory have been available throughout history, or they may be evolving as an increasingly complex whole; they are amenable to universally applicable proposition as might be the laws of physics. The purpose of reflection here is to lay bare the transcendent truths obscured by the divisions of history in order that social relations or institutions can be reconstructed in their light.

Utopianism or idealism may serve two contradictory functions. In the politics of social movements and social change it can refer to a moment which may be simply an energy for asserting the importance of ethical principles or the possibility of change – an emphasis on aspirations for personal goodness and non-exploitative community, however those may be conceived – in the face of efforts to exile 'values', or particular values, to an inarticulate periphery where they cannot distort the facts of the matter. The power which utopian theories or personalities have exerted can (at best) reflect their ability to give expression to belief in the possibility of goodness in the social and political domain and to the suggestion that things could be other than they seem. Vision and imagination are the faculties favoured by this form of political address. 'Idealism' can be the tag given to those who refuse the strange attraction of the foreclosure offered by the more brooding versions of realism by drawing attention to the need to recognise that the present has potentials for different futures.

But idealism as a politics of universal truth has a very different register. The inspirational moment regularly hardens into its own powerful foreclosures which offer not openness but implicit or explicit blueprints – the 'attempt dogmatically to prefigure the future' (Marx, 1972: 8). Like realism, idealism turns on posing an intense ontological split between what is and what ought to be, fact and value, practice and theory, policy and principle, power and truth. This divorce establishes the deformed character of both terms of the antinomy. It sets in motion the polarities and quandaries contained in the tension between universal and relative in which we generally grasp issues of respect for people. The antinomy may be managed by using the language of time to project what ought to be into the future. There it can seem to be the goal, reachable through actions in time. But it is more likely another country altogether, an otherworld.

In an inversion of realism, what ought to be, theory and principle are given pre-eminence in this antinomy, so that social change tends to be imagined as a process of actualising a vision, of displacing the messy present with a correctly imagined and ordered future. The right account, the right theory, the right formula seem themselves to promise a liberatory power. Truth is located in theory, where it can be claimed and possessed in propositional form. For extreme utopianism, 'reality' must be made over in the image of theory, the slate of history wiped clean and fresh words written. Or the antinomy may not be managed at all, leaving only a sour cynicism preoccupied with exposing the

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ways in which actual people and events have again failed ideas. The vision of emancipation founders and returns as a metalanguage of nihilism and romantic despair.

A persistent criticism of the political theories discussed in this chapter – their failure to grasp that their visions are embedded in their own histories and context of social practice, their mistaking of the partial for the absolute – is directed at their idealist dimensions. From conditions of 'imperfection', utopian theories or moments imagine the lineaments of a perfect world – either explicitly, by prescription, or implicitly, by wholesale condemnation of things as they are now. But our understanding of what is and what ought to be 'are in actuality mutually constituted: our world view constructs our definition of human nature and vice versa, whereas any preferred state necessarily derives from the givens and aspirations embedded in our understanding of the nature of reality and the range of what is possible' (Peterson, 1990: 307). Partiality of itself does not devalue insight or little would be valuable. And, indeed, all the approaches discussed here form a dense ground from which we draw: tracings of our collective efforts to grapple with difficult circumstances. But the abstraction and hubris of then ignoring one's own humble origins can serve to mislead by obscuring what is also rooted in practice – that is, the tools for change that may be available or emerging, the kinds of change that may be needed, and respect for the unfamiliar contributions of others, for circumstances and for 'problem solving'.

NOTES

1   European natural law doctrines have been current in medieval, enlightenment and contemporary times. Theories of natural law may be theistic or non-theistic (and within the Christian theologies, Catholic, Calvinist or Lutheran), rationalist or mystical, flexible or highly doctrinaire. Thomistic natural law doctrines posit the existence of a moral order that is inherent in the nature of things and of which human beings are part, but which does not derive from human society *per se*. The moral universe envisaged by these schools of natural law is understood to turn upon certain fundamental principles, the key one often being identified as the 'law of love'.

2   Stories can be far more potent than theoretically elaborated frameworks. The dynamism of narrative allows you to experience and move through contradiction and unexplained gaps – to integrate states and events in an ordered but not strictly rational way. Theoretical explanations, on the other hand, are always trying to repress contradiction. In this way, story 'understands' language better than does theory. In keeping with the classical narrative form, the story of the contract operates through the dynamic interplay of a series of overlapping polarities which are traversed and articulated by the figure of the hero, in this case, the everyman.

3   John Rawls's veil of ignorance is a prominent contemporary example. See his (1971) *A Theory of Justice*, Harvard University Press, Cambridge, MA.

4   'Nature', like the Garden of Eden on which it is based and which it turns on its head, is by definition where we are not but where we imagine the formation of our essential self and the unchanging imperatives that shape community to lie.

5   Under conditions of mistrust security becomes a scant resource, had at the expense of others. States' competition for security and power establishes their place within a shifting international hierarchy. This competition establishes the systemic constraints that shape what it is possible for states to do under conditions of insecurity. The sovereignty of states resembles the sovereignty of man in nature, but is nevertheless a principle of order in international life, allowing the dynamic of competition and conflict sufficient equilibrium to reproduce itself. Sovereignty both defines the separateness of states and constitutes the condition for their participation in the system of states. It is an act of mutual recognition by states of each other's right to pursue internal and external security independent of interference.

6   Indeed, realist theorists can uphold particular ethical values – primary commitment to the benefit of one's national community (where 'benefit' is given a particular ambit) and, particularly in the case of early critical realists such as Carr, prudence, resignation, a certain wry toleration born of scepticism and the consciousness of human frailty, the skills of the game, a disdain for easy moralisms and a certain sense of responsibility. These are substantial values. For much realist thought they appear as pragmatism, however, while 'ethics' belongs to the different and competing domain of 'principle'.