

Powerless companions or fellow travellers?

Human rights and the neoliberal assault on post-colonial economic justice

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The aim must be to reduce inequality in every area where it is found. To do this therefore we must re-fashion, or 'revolutionise', the laws which lead to the reproduction of the relations of domination and exploitation.

Mohammed Bedjaoui¹

Attempts to enforce the NIEO [New International Economic Order] would lead to a Hobbesian war of all against all, to a spread of totalitarian government, and to further erosion of the West.

Peter Bauer and Basil Yamey²

In 1984, the development economist Peter Bauer used a speaking opportunity at a Paris colloquium to reiterate the central tenets of the neoliberal development discourse he had done so much to shape. Bauer, aptly described by *The Economist* as being to foreign aid what Friedrich Hayek was to socialism, told his audience that the idea of the 'Third World' as a community was a product of foreign aid.³ Erasing the difficult history of building anti-colonial political solidarity across diversity, he depicted the Third World as comprised of 130 countries with nothing in common other than requesting and receiving help from 'the West'.⁴ In a period of neoliberal ascendancy, criticisms of aid and of more radical demands for post-colonial redistribution of wealth were increasingly heard from the international financial institutions and the most powerful states. What made this particular speech different was the fact that Bauer was speaking at the inaugural colloquium of a new political found-

ation, *Liberté sans Frontières* (LSF), established by the French leadership of the respected humanitarian organisation *Médecins sans Frontières*. What was the key neoliberal development theorist doing at such an event? And what can answering this question tell us about the relation between human rights and neoliberalism in that period – and our own?

In recent years, a number of scholars have sought to understand the simultaneous rise, from the late 1970s, of neoliberalism and an individualistic politics of human rights. To date, much of this discussion has focused on Latin America, where human rights NGOs such as Amnesty International came to prominence for contesting the policies of torture, murder and disappearance that accompanied neoliberal 'shock therapy', while generally turning their attention away from its economic effects.⁵ This context produces a picture of human rights NGOs as either valiant opponents of state violence, or, in a more critical vein, as operating as what Naomi Klein calls a set of 'blindings' that divert attention from the economic and structural causes of state violence.⁶ For the influential historian of human rights Samuel Moyn, the international human rights movement has been no more than a 'powerless companion' of the rise of neoliberalism, condemned to look on but unable to hold back the tide of free market restructuring.⁷ In a recent book, Moyn deems Klein's account of human rights 'exaggerated and implausible', arguing that it 'was not the job of human rights activists to save Marxism from

its theoretical quandaries or the left from its practical failures.’ Neoliberalism and human rights were distinct movements, he argues, and ‘[n]eoliberalism, not human rights, is to blame for neoliberalism.’⁸

Focusing on *Liberté sans Frontières* complicates this picture by shifting our attention from the role of human rights NGOs in contesting Latin American dictatorships to the mobilisation of the language of human rights against newly-independent post-colonial states. Such a shift reveals how difficult it is neatly to separate out human rights and neoliberalism in the period of their joint ascendancy. Although LSF was billed, innocuously, as a research centre devoted to the problems of development and human rights, its first organised event, a colloquium titled *Le Tiers-Mondisme en question* (‘Third Worldism in Question’), revealed its political bent. The foundation was established to challenge the affirmations of post-colonial sovereignty and economic self-determination that defined *tiers-mondisme* – the movement that insisted (as Alfred Sauvy stressed when in 1952 he coined the term ‘Tiers Monde’ through analogy with Emmanuel Sieyès’ account of France’s revolutionary Third Estate) that those colonised or recently decolonised peoples who had been ignored, exploited and reduced to nothing now ‘wanted to be something.’⁹ LSF’s introductory materials criticised *tiers-mondisme* for promoting ‘simplistic’ theses that blamed under-development on the looting of the Third World by the West, the deterioration of the terms of trade, the power of multinationals and the development of cash crops at the expense of food crops.¹⁰

An examination of *Liberté sans Frontières* directs attention to the economic questions that the human rights NGOs in Latin America largely disregarded. Far from vacating the economic field and confining itself to criticising violations of civil and political rights, LSF mobilised the language of human rights explicitly *against* Third Worldist demands for post-colonial economic redistribution. Rony Brauman, who was President of MSF and Director of LSF, later reflected that he was interested in contesting the idea that ‘poverty, misery in the global South was the by-product of our prosperity in the global North.’ Such an idea, he suggested, placed the ‘blame’ for post-colonial poverty on the ‘shoulders of the global North’, rather than on

those post-colonial leaders he believed bore responsibility for their peoples’ plights.¹¹ LSF went beyond merely criticising state repression or the violation of human rights to contest what it depicted as a Western ‘guilt complex’ over colonialism, which it saw at the root of contemporary criticisms of exploitative international economic relations.

A particular target of LSF’s campaign was the demand for post-colonial economic restructuring that found its most important expression in the Non-Aligned Movement-sponsored proposal for a ‘New International Economic Order’ (NIEO). Adopted by the United Nations General Assembly in 1974, the NIEO declaration aimed at an international economic order ‘which shall correct inequalities and redress existing injustices.’¹² The NIEO offered an ambitious programme for re-organising the post-colonial international economic order, including effective control over natural resources, regulation of the activities of multi-national corporations, just commodity prices, technology transfers, debt forgiveness and monetary reform. In 1997, Brauman reflected that when he founded LSF he was ‘ferociously anti-Third Worldist’, because he felt that claims about Northern responsibility in the economic and social disaster of the South, and the need for ‘a New Economic Order’, reflected ‘at best derisory sentimentalism and at worst complicity with the bloodiest regimes.’¹³ Far from merely criticising post-colonial violence, LSF challenged the entire anti-colonial economic agenda.

The figures associated with LSF were far from ‘powerless companions’ of ascendant neoliberalism. Rather, they drew on the rejection of structuralist economic analyses and redistribution pioneered by rising neoliberal thinkers, and used the language of human rights to shift responsibility for poverty onto Third World states. LSF offers a particularly stark example of a more general phenomenon – the uptake of neoliberal ideas by human rights NGOs in the period of their simultaneous rise. Like the dominant strand of human rights politics in Europe and the United States at the time, LSF embraced a dichotomy promoted by neoliberal thinkers between politics as violent, coercive and ultimately ‘totalitarian’, on the one hand, and the market or ‘civil society’, on the other, as a realm of free, mutually-beneficial, voluntary relations. LSF

went further than most, however, in directly entering the economic fray in order to prosecute an argument against post-colonial economic equality and in favour of a liberal economy. In doing so, they lent their moral prestige to the neoliberal counter-attack on the struggle for post-colonial economic justice and thus were, indeed, complicit in the dramatic deepening of inequality that has been its consequence. Moreover, they helped to shape a distinctively neoliberal human rights discourse, in which civil and political rights are essential aspects of the institutional structure necessary to facilitate a liberal market order.

Liberté sans Frontières and ‘Western Guilt’

The invitation to the ‘Third Worldism in Question’ colloquium came from Médecins sans Frontières’ executive director Claude Malhuret, who would soon complete a spectacular transition from medical doctor to Secretary of State for Human Rights in Jacques Chirac’s right-wing government. Third Worldism, Malhuret wrote, promotes a few simple ideas: ‘the West has looted the resources of the third world, terms of trade have deteriorated, the actions of multinational corporations are harmful.’¹⁴ The invitation framed the colloquium as a challenge to publicly accepted notions like ‘the rich world’s cows eat the soybeans of the poor’, or “a new international economic order” is the only solution to under-development.¹⁵ LSF was established, as an article in *The Guardian* noted, to counter Third Worldism, ‘which it accuses of feeding on a European guilt complex that blames all the problems of the Third World on Western economic dominance.’¹⁶ Such an analysis, LSF figures argued, serves to excuse those who should bear responsibility for the problems of former colonies: post-colonial states.

In contesting Western responsibility for Third World poverty, the men of LSF set themselves against an analysis of colonial exploitation that had played a central role in anti-colonialism, dependency theory and French *tiers mondisme* in the previous decades. Frantz Fanon’s *The Wretched of the Earth* epitomised this argument, powerfully insisting that Europe is, quite literally, a product of the Third World. ‘The

wealth which smothers her was stolen from the underdeveloped peoples.’¹⁷

This indictment was reiterated by Jean-Paul Sartre in his infamous preface to Fanon’s *The Wretched of the Earth*. Addressing himself to his French compatriots, Sartre wrote: ‘You know well enough that we are exploiters. You know too that we have laid hands on first the gold and metals, then the petroleum of the “new continents”, and that we have brought them back to the old countries.’¹⁸ By the time LSF was founded, Sartre’s influence had waned, along with the Third Worldism he championed, and this challenge to the complicity of wealthy nations in post-colonial poverty was being usurped by new concerns with human rights abuses in the post-colony.¹⁹

LSF argued that the Asian ‘miracle’ economies of South Korea, Singapore and Taiwan had been condemned for failing to conform to Third Worldist tenets while disastrous programs – Mao’s China, Ho Chi Minh’s Vietnam, Julius Nyerere’s Tanzania, Kwame Nkrumah’s Ghana, Fidel Castro’s Cuba, and the Nicaraguan Sandinistas – had been presented as models.²⁰ Its leaders focused on left-wing ‘totalitarian’ regimes, largely ignoring the lamentable human rights records of both the right-wing authoritarian regimes then terrorising much of Latin America and those dictatorial Asian regimes it persistently celebrated. LSF’s board was comprised of MSF officials and intellectuals of the ‘liberal conservative right’.²¹ In stark contrast to the Third Worldism of Fanon and Sartre, this new anti-totalitarian human rights organisation drew many of its personnel from the anti-communist Comité des intellectuels pour l’Europe des libertés (CIEL) (Jean-Claude Casanova and Jean-François Revel) and the Reaganite anti-communist organisation Resistance Internationale (Jacques Broyelle, François Furet, Alain Besançon).

LSF played a central role in delegitimising Third Worldist accounts of economic exploitation. Its mission, Brauman explained at the time, was ‘to challenge a perception of the problem in which their poverty is a reflection of our wealth, and our liberties are based on the absence of theirs’.²² In his introduction to the published proceedings of the inaugural LSF colloquium, Brauman situated LSF within a new morality of urgency and an ideology of *les droits*

de l'homme, which makes 'man' the highest value. Nonetheless, his speech overwhelmingly addressed economic matters, and challenged a series of Third Worldist theses: that Europe had trampled its own values in colonial plunder; that this plunder was the source of Europe's opulence; that the world economic system is a neo-colonial system that makes the rich richer and the poor poorer; that the Third World is the victim of a blind and cynical West; and that its bread basket is held hostage to the economic powers of Western countries. Such structuralist theses, Brauman argued, are a 'game of mirrors' in which Europe only ever sees itself.²³

MSF's leading figures, a news article of the time noted, 'are disgusted by the fashionable current wisdom holding the west responsible for the Third World's destitution and that seeks to make us feel guilty about our standard of living.'²⁴ This theme of guilt and responsibility was taken up most ferociously by Pascal Bruckner, who delivered a key speech, 'Third World, Guilt, Self-Hate', at the inaugural LSF colloquium.²⁵ In *Le Sanglot de l'homme blanc* [*Tears of the White Man*], published just before the colloquium, Bruckner had launched an excoriating attack on what he depicted as the Third Worldist guilt complex about colonialism. 'How long will the peoples of Europe continue to be blamed for the atrocities committed by their ancestors?', he asked – just two decades after France's withdrawal from Algeria.²⁶

For Bruckner, and the founders of LSF, Third Worldism was a product of masochism and guilt, which generated a willingness to tolerate Third World repression. Despite these accusations, the LSF figures implicitly recognised that Third Worldism was what Kristin Ross has termed 'an aggressive new way of accusing the capitalist system' and the neo-imperialist relations that had succeeded formal colonialism.²⁷ LSF constituted a similarly aggressive counter-attack. Its disparate group of liberals, humanitarians, Atlanticists and Reaganites found unity in the rejection of 'Western guilt' over colonialism, opposition to Third Worldist demands for restructuring the international economic order, and, I suggest next, a commitment to distinctly neoliberal economic tenets.

The Neoliberal Precedent: The Mont Pèlerin Society and Colonial Guilt

The arguments rehearsed by the humanitarians in the 1980s soon become staples of a newer, revisionist 'case for colonialism', but they also have a much older ancestry. Much of their logic can be traced to an earlier stage of neoliberal thinking, one pioneered by members of the Mont Pèlerin Society (MPS), for whom the need to challenge what Wilhelm Röpke termed 'the ill-timed Christian emphasis on Western guilt' over colonialism had shaped discussions of development since the early 1950s.²⁸ Founded in 1947 at the initiative of the Austrian economist Friedrich Hayek, the Mont Pèlerin Society sought to re-found liberalism in opposition to the threat of socialist planning, which, the MPS argued, had led to the disappearance of 'the essential conditions of human dignity and freedom' from much of the earth. There is a notable parallel between the MPS's founding commitment to human dignity and defence of the individual from arbitrary power, and the language of the Universal Declaration of Human Rights (UDHR), which was being drafted across the Atlantic in Lake Success at the same time. Yet, while the Universal Declaration also contained an extensive list of social and economic rights – secured by Latin American delegates with the support of their Chinese and Soviet counterparts – participation in the Mont Pèlerin meeting was much narrower, both politically and geographically, and its attendees committed themselves to the 'establishment of harmonious international economic relations', coordinated by a global competitive market.²⁹

How to ensure such harmony in a period of decolonisation had preoccupied the society since the late 1950s. Controversy erupted at the 1957 meeting in St. Moritz, Switzerland, prompted by the German neoliberal Alexander Rustow's presentation on a panel devoted to 'Liberalism and Colonialism'. Drawing on his major work of the period, which described colonialism as a 'stain on the historic record of humanity', Rustow denounced the colonial powers for trampling on the 'human dignity of the colonial peoples' and labelled their claims to be carrying out the 'white man's

burden' pure hypocrisy.³⁰ Rustow's argument that 'we' still lack guilt and a sense of penitence towards the victims of colonialism reflected his Christian faith. While he also argued that, without European intervention, former colonies would be more 'backward' than they are today, his fellow panellists, Edmond Giscard d'Estaing, Peter Bauer, Karl Brandt and Arthur Shenfield, reacted vehemently to this concern for colonial crimes and to his suggestion that Europeans had something to be guilty about.³¹

Against the backdrop of the Algerian war, Giscard d'Estaing – the father of France's President Valéry Giscard d'Estaing and the head of the Société Financière Française et Coloniale – rejected the '*simplification grossière*' of depicting colonialism as the domination of one people by another. Colonialism, he suggested, enabled nomadic desert peoples (for instance) to benefit from oil they would otherwise waste. Shenfield praised 'liberal empires' for freeing their dependent peoples from economic exploitation.³² Brandt similarly stressed the developmental accomplishments of colonialism, and rejected Rustow's attribution of guilt: 'one can leave the hypocritical assault on colonialism to those who practice it now with the plain intent to enslave peoples', he contended, referring to the anti-colonialism of the Soviet Union.³³

At this stage, the MPS discourse on colonialism was classically liberal, and it drew heavily on John Locke's justification of colonialism as 'improvement'. God meant for the earth to be cultivated, Locke had contended, and thus he gave it to the 'industrious and rational'.³⁴ Those who 'fail' to improve the land – d'Estaing's nomadic desert people who wasted the oil beneath their feet, for instance – had no grounds for complaint if it was appropriated by others. The rise of anti-colonialism made the neoliberals starkly aware of the difficulties of maintaining colonial rule, and, more importantly, of securing the continued exploitation of the colonies. 'I need hardly tell liberals that it is not easy for them to advocate the rule of others for their own good', Shenfield told the panel.³⁵ Although Shenfield attributed this point to John Stuart Mill, in reality Mill believed that despotism was perfectly legitimate in governing 'barbarians' – 'provided the end be their improvement'.³⁶ Writing in the context of rising anti-colonial struggles, Shenfield feared

that the repression necessary to maintain colonialism would be 'bitter enough to poison the West itself and sap its own liberalism.'³⁷ Justice may be with the French in Algeria, he warned, but the attempt to maintain French rule may ruin France herself.

The reaction to Rustow's book elevated the rejection of Western guilt into a formative tenet of neoliberal development discourse. Yet, rather than a backward-looking attempt to secure the colonial order, this rejection was forward-looking, oriented to forestalling Third Worldist demands for restitution. This is clearest in the work of the MPS member who did most to further this argument against post-colonial guilt, Peter Bauer, who had stressed since the early 1970s that 'it is untrue that the west has caused the poverty of the underdeveloped world, whether through colonialism or otherwise.'³⁸ In 1981, several years before the LSF Colloquium, Bauer published a book that attributed accounts of Western responsibility for Third World poverty to colonial guilt.³⁹ In his presentation to the LSF Colloquium he reiterated this argument and forcefully criticised the idea that foreign aid was compensation for Western errors; no restitution was necessary, he contended, as colonialism had benefited the development of former colonies.⁴⁰

Bauer's response to post-colonial demands of the 1970s for restitution and redistribution was consistent with the earlier MPS members' Lockean defence of European colonialism. Referring to an English student pamphlet that accused the British of taking 'the rubber from Malaya, the tea from India, raw materials from all over the world', Bauer – who began his career working for a trading company with rubber interests in Malaya – retorted that this was the opposite of the truth; 'the British took the rubber *to* Malaya and the tea *to* India', he wrote.⁴¹ Far from the West causing the poverty of the Third World, 'contacts with the West' (Bauer's euphemistic expression for colonialism) had been the central agents of material progress.⁴² At the LSF colloquium, Bauer argued that the world's poorest peoples are indigenous communities and 'Amazonian Indians', precisely because they enjoyed the fewest 'external contacts'. Taiwan, Hong Kong, Malaysia and Singapore, in contrast, offered proof of the economic benefits such

'contacts' bring.⁴³ Elsewhere, Bauer claimed that not even the trans-Atlantic slave trade could be claimed as a cause of 'African backwardness' as slavery was endemic in Africa prior to the slave trade and was only ended by the West. 'Whatever one thinks of colonialism it can't be held responsible for Third World poverty', he concluded.⁴⁴

Bauer reserved his most strenuous criticism for those who speak of 'economic colonialism' or 'neo-colonialism' to define the situation of post-independence states. Such terminology, he argued, 'confuses poverty with colonial status, a concept which has normally meant lack of political sovereignty.'⁴⁵ Bauer took direct aim at the analysis of neo-colonialism developed by Ghana's first post-independence leader Kwame Nkrumah, who drew on Karl Marx's work to argue that the 'conflict between the rich and the poor has now been transferred on to the international scene.'⁴⁶ Bauer challenged this politicisation of economic relations, and rejected Nkrumah's charge that neo-colonialism was keeping the African continent 'artificially poor'.⁴⁷ A nation can be subjected to political colonialism, he argued, but it simply makes no sense to speak of colonisation or domination in the economy as economic relations are not the product of the imposition of a single will. On the contrary, he argued that the market impersonally coordinated the free, voluntary interactions of numerous individuals, and must be protected (by the state and law) from political interference.

Bauer's rejection of neo-colonialism rested on viewing the market as a system of disseminated knowledge and mutually beneficial free exchange that produces order without the need for conscious and deliberate planning. Drawing on the theorisation of the market as information processor developed by his MPS colleague Friedrich Hayek, Bauer argued that prices for raw materials are set by the market and not determined by the West: they are the products of numerous individual decisions and not actions of a single decision-maker or of collective collusion.⁴⁸ For the neoliberals, any intervention that altered the results achieved by the subtle mechanism of the price system would prevent its feedback loops from operating. Yet, their argument was not simply economic; rather the neoliberals followed the precedent of the Baron

de Montesquieu, who argued that, as commercial relations are founded on mutual need, the 'natural effect of commerce is to lead to peace.'⁴⁹ Neoliberal thinkers depicted the market as a realm of peaceful and mutually beneficial relations, and portrayed politics as a Schmittian field of friend/enemy distinctions and violent coercion.⁵⁰ This neoliberal position provided the LSF humanitarians with a weapon in their struggle against Third Worldism. Price fluctuations are 'not dependent on international speculators but on the market', Malhuret contended. And the 'tendency of international trade is that all parties to an exchange benefit.'⁵¹

Bauer concluded his speech at the LSF Colloquium by rejecting the premise of discussions about Third World poverty: 'There is no problem in the Third World', he argued; 'there are only differences of income' – differences which are 'neither surprising nor reprehensible.'⁵² Along with his neoliberal colleagues, Bauer replaced the language of 'inequality' (which implied unjust structural relations) with that of 'difference' (which was merely the necessary condition of a competitive economy).⁵³ There was nothing emancipatory about this stress on difference. For the neoliberals, 'difference' was the apolitical condition of a competitive economy, which, as Michel Foucault notes, is defined not by the exchange of equivalents but by a 'game of differentiations' in which some have large incomes and others do not. Neoliberal 'difference' was distinctly apolitical. Differences between countries, Bauer argued, do not stem from the 'pillaging of one by another.'⁵⁴ Repeatedly, Bauer took aim at the contention articulated most succinctly by Tanzania's President Julius Nyerere: 'In one world, as in one state, when I am rich because you are poor, and I am poor because you are rich, the transfer of wealth from rich to poor is a matter of right; it is not an appropriate matter for charity.'⁵⁵ All Bauer's writings aimed to demolish the premise that the wealth of the colonial powers was a consequence of the poverty of the colonised – and vice versa. The prosperity of the United States and Japan has nothing to do with the poverty of Chad, Mali and Nepal, he stated bluntly.⁵⁶

Proposals for redistribution, Bauer argued, rest on the belief that we are all 'basically the same' and that wealth differentials reflect 'some perversion of



the natural and just course of events by some malevolent force, in particular, the power of the rich to impoverish the rest.⁵⁷ This rejection of what Jacques Rancière and Alain Badiou term the ‘axiom of equality’ played a key role in neoliberal thought – so much so that Ludwig von Mises, the elder statesman of the Mont Pèlerin Society, contended that ‘[n]owhere is the difference between the reasoning of the older liberalism and that of neoliberalism clearer and easier to demonstrate than in their treatment of the problem of equality.’ Mises (and those who followed him) argued that nothing was as ill-founded as the Enlightenment belief in human equality: ‘Men are altogether unequal’.⁵⁸ Bauer, too, stressed the basic inequality of people, and of peoples, arguing that economic achievement depends primarily on ‘aptitudes, motivations, mores and modes of thought and on social institutions and political arrangements.’ Those who benefit from a market economy are those who are most adaptable, entrepreneurial, industrious, ingenious, thrifty, ambitious and resourceful, he claimed, while the ‘less adaptable may go to the wall.’⁵⁹

Bauer depicted generalised poverty as a result of the absence of an institutional structure capable of promoting these subjective qualities. Far from advancing *laissez-faire*, he advocated a legal and insti-

tutional structure that would foster individualism by replacing communal land tenure with individual property rights and freeing individuals from the ‘hand of custom’ and the extended family system (‘with its drain on resources and its stifling of personal initiative’).⁶⁰ Such a structure should ensure political stability, the enforcement of law and order, and a rule of law to prevent discrimination against more productive groups (minorities or foreigners whose economic successes are resented by majorities). Rather than state passivity or *laissez-faire*, Bauer advocated the conscious and appropriate re-shaping of institutional structures. While the state should not compensate the losers of this market game, it should ‘make them aware of their opportunities and rights.’⁶¹

In Bauer’s works, stretching back to the 1950s, we find the central tenets of a discourse that would increasingly be adopted by human rights NGOs from the 1970s, most explicitly by LSF. Reflecting on his motivations in founding LSF from a distance of more than three decades, Malhuret acknowledged that ‘Bauer was for me extremely important’. It was in Bauer’s books that it was possible to read that everything thinkers on the left were saying about economic development and redistribution was wrong, ‘and the only way to develop a country is the way that the West-

ern countries, and Australia and America, have taken during the nineteenth and twentieth centuries.⁶² Indeed, Bauer's contention was that what developing countries needed was not aid and planning but 'normal development', which in turn required 'renewed faith in the efficiency of the market economy'.⁶³ Such an account obscured the role of colonial exploitation in the 'normal development' of colonial powers, and conceived development as a linear path along which former colonies had simply fallen behind.

Liberté sans Frontières embraced this vision of development, and proposed that there may be a qualitative difference between 'formal freedoms' (the traditional natural rights of liberty, security and property) and 'real freedoms' (rights to work, leisure, housing, development, etc.), and that 'respect for natural rights may be the condition *sine qua non* of real economic and social development'.⁶⁴ Looking back, Malhuret argued that the French in 1777 or 1778 were in exactly the same economic situation as people in the Third World now, with the same life expectancy, the same famines, the same agricultural problems. 'And what did they do?', he asked. 'They did not write a charter about economic and social rights, they wrote a charter that would allow them, from that point on, to build a political system which would, little by little, take them out of poverty.'⁶⁵ In disparaging demands for redistribution, the humanitarians of LSF committed themselves to a vision of human rights as components of the institutional structure for a liberal market economy. In doing so, they joined the battle alongside the neoliberal ideologues against the clearest competing vision of international order and economic relations: The New International Economic Order.

Competing Utopias: Human Rights and the New International Economic Order

At the 1974 Algiers meeting of the Non-Aligned Movement (NAM), Algeria's President Houari Boumediène stressed the 'vital need for the producing countries to operate the levers of price control'.⁶⁶ The success of the 1973 oil embargo by the Organisation of Arab Petroleum Exporting Countries had bolstered confidence that similar collective action on the part of producers of raw materials could alter the terms of trade and

transform an international economic system that was perpetuating exploitation, racial discrimination and the impoverishment of the Third World.

The Algiers meeting saw NAM turn towards economic questions, rejecting the understanding of the market as a free space of mutually beneficial exchanges and challenging the economic order inherited from colonialism. In the same year, 1974, the United Nations General Assembly passed the 'Declaration on the Establishment of a New International Economic Order', which proclaimed the 'right of all States, territories and peoples under foreign occupation, alien and colonial domination or apartheid to restitution and full compensation for the exploitation and depletion' of their natural resources by colonial powers.⁶⁷

If the NIEO declaration used the language of rights, its vision differed starkly from the human rights agenda pursued by major human rights NGOs such as Amnesty International or Human Rights Watch, which depicted Third World suffering as an internal problem caused by the failure of post-colonial states to comply with human rights norms. It is this latter vision of individual human rights that Moyn dubbed the 'last utopia'.⁶⁸ Yet throughout the 1970s, as Antony Anghie notes, much of the world was struggling for the 'utopia of development' and saw the NIEO as the best chance of achieving this.⁶⁹ While Bauer and his fellow neoliberals depicted the market as a realm of free and mutually-beneficial exchange, advocates of the NIEO argued that an economic framework developed to govern trade between equals could not resolve the colonial inheritance of unequal economic relations. They directly contested the view that the market should be governed only by a framework that does not interfere with the setting of prices, like that enshrined in the General Agreement on Tariffs and Trades (GATT) – which, like the Universal Declaration of Human Rights, came into force in 1948, while much of the world's population still lived under colonial rule.

Following earlier Physiocrat and classical liberal opposition to industrial combinations, opponents of the NIEO depicted the attempt by producers of raw materials to act collectively to set the prices of their natural resources as a coercive intervention into the

free and voluntary relations of market exchange and a threat to the rights of private investors. In accruing to themselves the powerful language of freedom, they gave a progressive gloss to their campaign against Third Worldism. They thus sought to attract those on the left who had become increasingly uneasy about violence in the Third World, especially in the wake of the Nigerian civil war (1967-70), the exodus of asylum-seekers from Vietnam in the wake of the US war, and revelations about the genocide in Cambodia.⁷⁰

Such evocations of market freedom obscured the specific forms of coercion and political intervention that upheld existing 'free' market relations. No market is unregulated and there is no realm (as the neoliberals themselves insisted) of natural equilibrium. All economic relations are subjected to rules and regulations, which distribute wealth in various ways. The relevant question is therefore not whether a market is 'free' or regulated, but who benefits from the distributional outcomes entailed by various modes of regulation – and how just or equitable those benefits are.⁷¹ Rather than aiming to replace free market relations with coercive price control, as their opponents claimed, defenders of the NIEO challenged the order of 'freedom' and 'equality' which benefited colonial powers and their corporations at the expense of former colonies, and called for "substantive equality" to compensate for inequality.⁷² Here, they followed Marx's argument in his *Critique of the Gotha Program* that 'equal right', which measures unequal individuals by a single standard, ignores their different abilities and needs and can only result in inequality. 'To avoid all these defects,' Marx wrote, 'right, instead of being equal, would have to be unequal.'⁷³

Analytically, the neoliberals also embraced this position, but they celebrated equal right precisely for its role in perpetuating existing inequalities. Hayek and his neoliberal colleagues were fervent defenders of the rule of law because they believed that when people are unequal, the 'only way to place them in an equal position would be to treat them differently.' They saw a stress on formal equality before the law as a means to prevent redistribution for the purpose of greater substantive or socio-economic equality, and to rule out demands for foreign aid, support for industries of former colonies, or reparations to transform

the legacies of past injustice.⁷⁴

The strongest rejection of this order of equal right came from Mohammed Bedjaoui, the Algerian legal theorist who was central to formulating the NIEO. Bedjaoui disparaged the 'froth and veneer of decolonisation' and highlighted the persistence of 'universal exploitation, and the dichotomy between poverty and affluence' in the wake of formal independence. The very neutrality and formalism of international law had permitted colonisation, exploitation and racial discrimination, Bedjaoui argued, and facilitated the enrichment of the wealthy countries at the expense of impoverished ones.⁷⁵ Just as Marxist critics of human rights have argued that abstract equality and freedom masks substantive inequality and domination, Bedjaoui rejected the 'phantom sovereignty' which masked relations of domination under the cover of formal equality. Instead, he evoked a new international law that would facilitate 'corrective or compensatory inequality' to promote the development of the Third World.⁷⁶

What role did human rights play in this new international law? Although critics have noted Bedjaoui's universalism, they have tended to depict him, and by extension the NIEO agenda, as 'generally unsympathetic' to the rhetoric of human rights and humanitarianism.⁷⁷ Bedjaoui's strident defence of the sovereignty of newly-independent states did put him firmly at odds with the new human rights movement of the time, and the NIEO has been depicted as a program of 'state rights against private capital', for which the freedom and rights of individual citizens was an 'ancillary product' of national independence.⁷⁸ Yet, in reality, Bedjaoui was not indifferent to individual rights, nor did he subordinate the individual to the state. The Algerian lawyer celebrated the fact that the 'State, that Moloch or Kronos that devours its own people, or rather, devours itself, is in process of being de-hallowed', and stressed that the equitable sharing of the world's resources required attending to the problem of 'human rights'. 'What would be the use of exploiting for man's benefit the immense riches of the sea-bed, within the framework of the new "law of mankind",' he asked, 'if man's dignity or integrity is threatened'?'⁷⁹ While Bedjaoui mobilised the language of human dignity and rights, his

horizon, and his universalism, extended far beyond the liberal individualism of the major human rights NGOs of his time. Like his anti-colonial predecessors who had successfully fought for the recognition of national self-determination as a human right, Bedjaoui sought to challenge the post-colonial persistence of economic exploitation and political domination.⁸⁰

Bedjaoui drew on the history of the rights of man to contest those who criticised the NIEO as futile utopianism. ‘When in 1788 and 1789 the French people presented their “books of grievances” [*cahiers de doléances*],’ he wrote, ‘there were, as there are today, knowledgeable souls who considered them to be pure rhetoric, far removed from reality.’ Like Alfred Sauvy before him, Bedjaoui compared the Third World to the Third Estate; for the former too, he predicted optimistically, ‘[t]oday’s rhetoric will be tomorrow’s reality.’⁸¹ Whatever its rhetorical force, this analogy broke down as the Third World project came under sustained assault from the world’s most powerful economic interests. The Third Estate, Sieyès famously argued, resembled a ‘strong, robust man with one arm in chains.’⁸² It sought only to break this bondage and end the privileges that gave the nobility exclusive rights.⁸³ However revolutionary it was in its (rather limited) time and place, Sieyès’ defence of ‘free competition’ and legal equality did not serve well those people whose experience of colonial bondage had sapped their strength and economic resources, leaving them less robust than Sieyès’ rising bourgeoisie.⁸⁴ Instead, the languages of free competition and equality before the law became central to a neoliberal counter-attack, to which the NIEO would ultimately succumb.

Contesting the New International Economic Order

In 1981, with neoliberalism in the ascendancy, US President Ronald Reagan used his speech at the Cancun summit on development to exhort Third World leaders to embrace ‘the magic of the market’. Cancun has been described as the ‘death-knell of the NIEO’, the moment when it was finally displaced by the neoliberal counter-revolution in development theory.⁸⁵ The early success of the Third Worldist eco-

nomic agenda provided a strong impetus for what Mark Mazower has termed ‘the real new economic order’.⁸⁶ By the early 1980s Third World states were struggling under the weight of spiralling foreign debt and the NIEO agenda had been largely displaced by the US-led global project of trade liberalisation, deregulation and privatisation, which made its proposals for economic decolonisation look utopian indeed. At the same time, the human rights-based ‘critique of the atrocity, misrule and despotism of the state’ was wielded by both human rights advocates and neoliberals against the utopia envisaged by Third Worldists.⁸⁷

From its inception, *Liberté sans Frontières* sought to contest the argument that a ‘new international economic order’ is the solution to under-development.⁸⁸ In his introduction to the proceedings of the LSF Colloquium, Brauman argued that the absurd and dangerous NIEO would result in inflation and a transfer of wealth from the poorest to the most favoured individuals and nations.⁸⁹ He contended that the NIEO was built on the false premise that the terms of trade between rich and poor countries was deteriorating and that, if implemented, it would lead away from the successful path pursued by Asian countries like South Korea.⁹⁰ Looking back more recently, Malhuret reflected that LSF’s founders believed ‘the path taken by the New [International] Economic Order was leading to a dead end’, while countries with liberal economies – the so called ‘Asian Tigers’ – were developing rapidly.⁹¹ The real stake in this attack on the NIEO was defending the efficacy of a liberal economic order against demands for redistribution and state planning. The ‘burden of human error and bad local political decisions, rather than external elements, is the determining factor in a number of tragic situations’, Brauman stressed.⁹²

Despite the stated aims of LSF to provide a forum ‘free of ideological presuppositions’, its attacks on Third Worldism and the NIEO intersected with the agenda of Reaganite neoliberals who had become increasingly concerned that the new nations were vilifying ‘the West’ and the free enterprise system.⁹³ Philippe Laurent, then-Executive Director of MSF Belgium, recalls a meeting in which Malhuret explained his proposed organisation as a ‘war machine’ that would combat Third Worldism and ‘fight for neoliberalism’.



eral ideas.' Malhuret's model, Laurent recalls, was the Reaganite US think-tank the Heritage Foundation.⁹⁴ Both Malhuret and Brauman visited the Heritage Foundation, and while they both later reflected that it was too far to their right, there was nonetheless a disconcerting similarity in the two groups' responses to the NIEO.⁹⁵ The same year that LSF held its first colloquium, the Heritage Foundation declared that, in the name of a new international economic order, the General Assembly attacked 'the very essence and philosophy of the free enterprise system'. The undeveloped world, it charged, seemingly without irony, 'prefers to strive to get a share of the West's wealth as a kind of wealth transfer payment rather than work at creating its own wealth.'⁹⁶

By the early 1980s, such views were becoming mainstream. By that time, the United States had overcome what Daniel Patrick Moynihan called the 'massive failure of American diplomacy' in the face of Third World claims, and was forcefully challenging the Third World agenda.⁹⁷ In a 1975 article that resulted in his appointment as US Ambassador to the United Nations, Moynihan had warned that the Third World was advancing a vision of the future that came 'ominously close to looting', and laid out an

oppositional strategy with three key 'points of systematic attack': defending liberal institutions, including 'the most creative international institution of the twentieth century', the multinational corporation; challenging the idea of a crisis in the Third World, pointing out that 'these economies do less well than they ought: that the difference is of their own making and no one else's, and no claim on anyone else arises in consequence'; and, following the lead of organisations like Amnesty International by 'speaking for political and civil liberty' with 'enthusiasm and zeal'.⁹⁸

These lines of attack are echoed in the LSF founding document almost a decade later. That document stridently advances the superiority of liberal democracy and defends multinational corporations from 'simplistic' attacks on their power. It rejects an economic 'diagnosis marked by catastrophism' (which it attributes to critical development scholars René Dumont, Susan George and Frances Moore-Lappé) and shifts responsibility for post-colonial poverty onto the 'suicidal' policies of Third World states. Finally, it proposes a global campaign to highlight the abuses of political liberties and human rights in the Third World.⁹⁹ The human rights vision outlined by LSF

was not simply an alternative to the structural analysis embodied in the NIEO – rather, it was part of a concerted attempt to shift attention from the global economy to the Third World state.

Neoliberal Human Rights

While the human rights advocates of LSF mobilised neoliberal economic analyses to challenge Third Worldism and the NIEO, the neoliberal economists embraced the language of human rights. They soon saw that this new language, and the organisations that mobilised it to curtail the range of feasible political options and to licence interventions into post-colonial societies, could bolster their own agenda of imposing market discipline on former colonies. Neoliberal human rights dispensed with the project of guaranteeing broad popular rights to basic welfare, but not with ‘economic rights’ per se. Rather, they saw in human rights the possibility of securing the rights of investors and the wealthy in the face of challenges to their property and power. The human rights discourse they developed aimed to provide an institutional and moral foundation for a competitive market economy and to shape entrepreneurial subjects. In contrast to those anti-colonialists who had fought to establish the right to self-determination, the neoliberals saw the promise of human rights in constraining sovereign power, especially in the post-colony, and in restraining the politicisation of the economy.

In an article written with John O’Sullivan in 1977 – Moyn’s human rights ‘breakthrough’ year – Bauer explicitly mobilised the language of human rights to contest the NIEO. Under the heading ‘Human Rights in the Third World’, Bauer and Sullivan contended that ‘Western liberal opinion has been strangely and culpably blind to the extent of the persecution of economically productive, perhaps relatively well-off but politically unpopular, minorities.’ This account of the human rights abuses carried out by post-colonial states merges cases of assault on classical civil and political liberties with violations of economic (or market) freedoms. Third World governments, they argued, have persecuted minorities, discriminated against them in employment, and conducted expulsions and ‘even massacre’. They have suppressed freedom of

the press, engaged in forced collectivisation of agriculture, restricted the inflow of foreign capital, established state monopolies and restrictive licensing of economic activities, and suppressed private firms. It is these human rights abuses, Bauer and O’Sullivan argued, that have resulted in the ‘poverty and economic backwardness’ of Third World societies.¹⁰⁰

The treatment of abuses of civil rights on the same plane as the licensing of economic activity or the establishment of state monopolies reflects the refusal of the neoliberals to view the economy as a separate sphere, distinct from the political. For the neoliberals, the economy is the sphere ‘of all our means’ and, consequently, as Hayek put it, economic control is ‘not merely control of a sector of human life which can be separated from the rest; it is the control of the means for all our ends.’¹⁰¹ Securing freedom therefore required protecting the competitive market from political intervention. In contrast to the common argument that the entrenchment of neoliberalism saw the decline of ‘social and economic rights’, neoliberals had a distinctive account of ‘economic rights’ of their own. These were not the rights to food, clothing, housing and education enshrined in the Universal Declaration of Human Rights, which sought to offer some protection from market forces. On the contrary, neoliberal ‘economic rights’ sought to protect the market freedom of private capital.

The neoliberal rejection of politics did not entail a rejection of government intervention or an advocacy of *laissez faire*; on the contrary, it implied what Bauer termed ‘state action on a wide scale.’ Rewriting Adam Smith’s invisible hand, Bauer stressed the necessity to devise suitable institutions to harness selfish interests to the general interest. The premise of neoliberal thought was that the institutional structure profoundly influences the operation of the economic system and ‘does not arise from the operation of the system itself.’¹⁰² Neoliberalism countenanced a significant role for state action in relation to the market, as Foucault notes, but this action served to secure the conditions for the market, not to compensate for its effects. What Foucault missed, as he prepared his lectures on neoliberalism, was the extent to which the new interventionist politics of human rights, which fascinated him at the time, shared in the dominant

'state phobia' (which conflated state welfarism with totalitarianism) that he portrayed as his time's inheritance from a previous generation of neoliberals.¹⁰³

Foucault's designation is misleading; the neoliberals were not phobic of the state per se, but only of its role in reducing differentials in income, which Bauer warned could only be achieved by 'a quasi-totalitarian power.'¹⁰⁴ Like Moynihan, Bauer criticised the failure of Western delegates to oppose the NIEO but he went much further, protesting that Moynihan's 'conciliatory remarks towards the Third World on the alleged damage to it by Western exploitation and ethnic discrimination are inappropriate.'¹⁰⁵ Allegations of exploitation are not only untrue, but are positively harmful to the Third World, he argued, as they divert attention from the personal and social causes of material progress and encourage the view that incomes are extracted rather than earned. In his own version of Hayek's famous 'road to serfdom', Bauer argued that any concession to belief in Western exploitation of former colonies legitimised severe maltreatment, including expropriation and massacre. Bauer took aim at the whole tradition of anti-imperialism, including its mildest forms. J.A. Hobson's *Imperialism* (1902) led directly to Lenin's *Imperialism: The Highest Stage of Capitalism* (1917), he argued, then on to the denunciation of neo-colonialism penned by Nkrumah, and ultimately to the totalitarian state.

While the lines of influence that pass from Hobson to Lenin to Nkrumah are real enough, the point of Bauer's genealogy was to characterise capitalism as peaceful and non-violent, and any politicisation of the economy in the name of equality as requiring 'world government with totalitarian powers'.¹⁰⁶ In this, Bauer joined a long lineage, stretching back to the 1930s, of neoliberal attacks on Marxist theories of imperialism. Against Lenin's claim that imperialism was a phenomenon of capitalism in its monopoly stage, the neoliberals argued that imperialism was a *distortion* of the peaceful economic relations of capitalism, caused by the politicisation of the economy. The real cause of inter-state conflict and colonialism, they argued, was the erosion of the liberal distinction between sovereignty and property, which had made territorial control the necessary pre-condition for the utilisation of the natural resources of a coun-

try. Lionel Robbins, the London School of Economics economist who drafted the Mont Pèlerin Society's statement of aims, gave a pioneering version of this argument in 1939, declaring that finance capital was a pacifying influence and that the real cause of international conflict lay in political interests, which treated capitalists as pawns. 'Not capitalism but the anarchic political organisation of the world is the root disease of our civilisation', he argued, shifting the blame for the pervasive violence of his own century from the economic system onto politics.¹⁰⁷

From such a perspective, political intervention that sought to restrain or compensate for the results of the market would lead to coercion and conflict. Echoing this perspective, Bauer argued that, if successful, Third World demands for 'wealth transfers' would result in 'the spread of totalitarian government and a further erosion of the position of the West.'¹⁰⁸ These results would be greatly exacerbated if international re-distribution was combined with egalitarian domestic measures, as equality could only be achieved through 'an immense extension of the use of the coercive power of governments over individuals' in order to homogenise the diversity of existing nations and individuals. Underpinning the NIEO, Bauer identified a fundamental and unjustified 'belief in the natural equality of man as an economic performer'. Rejecting this premise, he argued that political action to equalise living standards 'implies extensive forcible remodelling of peoples and societies, far-reaching coercion, and wholesale politicisation of life'.¹⁰⁹

For the human rights advocates, who situated themselves within the broader anti-totalitarian movement, such an argument tied the defence of human rights to the active rejection of economic equality. Human rights was re-framed as a central component of a liberal economic order that would restrain state intervention into the economy and foster economic growth. By the mid-1970s, when the NIEO called for the extension of redistributive welfare policies to the global arena, these policies were under sustained attack at their domestic points of origin. After decades in the wilderness, neoliberal thinkers, and their policy prescriptions, were increasingly embraced by the governments of the most powerful states.¹¹⁰ In 1979, the year of Margaret Thatcher's electoral vic-

tory, Friedrich Hayek warned that the ‘strongest support of the trend towards socialism comes today from those who claim they want neither capitalism nor socialism but a “middle way” or a “third world”.’ To follow them, he argued, was a sure path to socialism, and ‘socialism, as much as fascism or communism inevitably leads into the totalitarian state.’¹¹¹ Increasingly, the Third World vision of economic redistribution was viewed not only as economically suicidal but also as a ‘totalitarian’ threat to human rights.

Conclusion

We cannot understand the neoliberal victory if we view it only in economic terms. The success of neoliberalism was not merely premised on its arguments for the economic efficiency of markets, or its challenges to socialist planning. Rather, neoliberals pioneered a series of political arguments about the dangers of wealth redistribution, interference with the market, and mass participation in politics, especially in the post-colony, which helped to legitimise austerity and the crushing of Third World demands for global wealth redistribution. The power of a small humanitarian NGO cannot be compared to the combined weight of the G7 countries and the Bretton Woods institutions, but the humanitarians nonetheless played an important role in shifting responsibility for Third World poverty away from the legacy of colonialism and the neo-colonial framework of the global economy and onto the leaders of individual Third World states.

It is true, as Brauman reflected decades later, that in attacking residual Third Worldism in the mid-1980s, LSF ‘attacked a very weak adversary.’¹¹² Yet the central LSF contribution was the one its introductory materials laid out clearly: humanitarians could provide a *moral* argument that would make international liberalism acceptable to First World ‘progressives’ who, in the wake of the wars in Vietnam, Algeria, Kenya, and elsewhere, generally remained critical of direct imperialist or neo-colonial intervention and accepted Third Worldist critiques of the world economy. LSF’s introductory materials warned that by focusing their attention on the superior economic efficiency of liberalism, its advocates had ceded the

ground of justice and generosity to their left-wing opponents and raised the suspicion they were merely defending selfish (class) interests. Humanitarians, LSF wagered, are better equipped than ‘the specialists of the economy, politics or business’ to win an argument that liberalism is not simply conducive to economic growth; it is also the only system capable of securing justice and liberty.¹¹³ The humanitarians lent their moral prestige to what the Heritage Foundation called the ‘free enterprise ideological counter-attack’ on Third Worldism and the NIEO. Their key impact was on the terrain of political idealism, as they helped long-cherished right-wing themes cross over to the political left and re-signified state-led redistribution as a totalitarian threat to liberty and human rights.

Looking back on the history of LSF, a decade after it was dissolved in 1989, Brauman reflected: ‘We realised that our ideas no longer shocked anyone. They had become commonplace. Third-Worldism was dead.’¹¹⁴ Almost twenty years later, in a context of rising concern for the economic equality brought about by decades of neoliberal reforms, Brauman reflected in 2015: ‘I see myself and the small group that I brought together as a kind of symptom of the rise of neoliberalism We had the conviction that we were a kind of intellectual vanguard but no,’ he laughed, ‘we were just following the rising tendency.’¹¹⁵ I have suggested that this assessment is, if anything, too modest: rather than a symptom, or a powerless companion, the humanitarians who founded LSF explicitly mobilised the language of human rights in order to contest the vision of substantive equality that defined the Third Worldist project and the NIEO. They were not powerless companions of the rising neoliberals but active, enthusiastic and influential fellow travellers. Their distinctive contribution was to pioneer a distinctly neoliberal human rights discourse, for which a competitive market order accompanied by a liberal institutional structure was truly the last utopia.¹¹⁶

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Notes

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116. Earlier versions of this paper were presented at the Critical Legal Conference (Brighton, 2014), the 'Legacies of the Tricontinental' conference (Coimbra, 2016), and the workshop 'Neoliberalism's Complexities' (Sydney, 2017). My thanks to all the organisers and participants for helpful comments and criticisms, and especially to Joey Slaughter, Dieter Plewhe and Ilan Wall for conversations that helped to refine my argument. For astute feedback on earlier drafts, thanks to Umut Özsü, Ihab Shalbak, Anna Yeatman, Jonathan Symons, Sally-Anne Way, Anna Pertierra, and the members of my Sydney research group. Thanks also to Peter Hallward for incisive editorial guidance. Although they are unlikely to agree with my conclusions, I would also like to thank Rony Brauman and Claude Malhuret for generously agreeing to meet with me and to share their reflections on Liberté sans Frontières and humanitarianism in the 1980s. Research for this article was supported by a Western Sydney University Early Career Research Award and an Australian Research Council DECRA award, DE160100473

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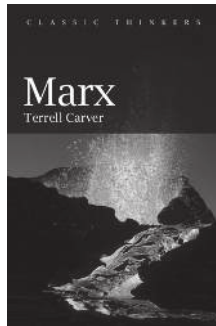
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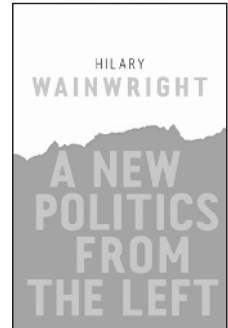
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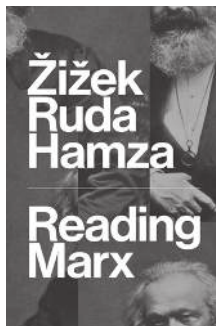
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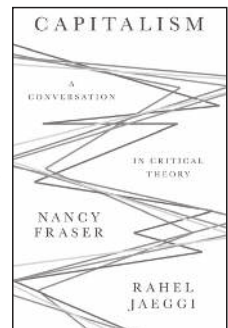
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