

This tension goes to the very heart of Hurd's argument, so it ought to be grappled with and addressed head on, not just elided. If one accepts his strongest statements, then his rule of law argument is compelling. A conception of the rule of law that centres on constraining states would be mismatched for how international law actually works. But the more one concedes that international law can or does constrain states, the less reason one has to dismantle that conception and adopt his alternative, at least not without a richer normative account of why his version better embodies the rule-of-law ideal. Developing such an account might, therefore, be where the research agenda should now go.

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Michael Ignatieff, ***The Ordinary Virtues: Moral Order in a Divided World***.

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At some point midway through *The Ordinary Virtues*, I noticed I became agitated. Ignatieff was discussing, with his customary lucidity, the genocide in Srebrenica, and criticizing the attitude of the Dutch tasked with protecting the United Nations-proclaimed safe haven. What caused my agitation though was his rather one-sided representation, portraying the Dutch as partying nincompoops, ignoring their task and celebrating with the Serbs. All of that, I knew and know, is not far removed from what actually happened, but, even so, I found his description annoying. Should he not also have mentioned that the big powers agreed not to provide air support, which made protecting the camp so much more difficult?¹ And should he perhaps have mentioned the role of Canadian troops, who protected the camp before the Dutch stepped in but had somehow lost interest or stamina, or the promises made by Secretary-General Boutros Boutros-Ghali to get the reluctant Dutch to take on the role to begin with? Should not the Canadian writer, thinker and sometime politician Ignatieff have mentioned these factors in addition to badmouthing the Dutch? Or should the Dutch-born reviewer Jan Klabbers not get so worked up if the acts of his compatriots are discussed? Would Klabbers have been just as agitated if Ignatieff had been discussing in similar terms (that is, largely accurate, but possibly with a few omissions) the behaviour of the Belgians in Rwanda circa 1994?

There are, at least, two considerable ironies at work here. One is that Ignatieff was presenting the story of Bosnia 20 years after the peace was formally concluded; it is the one story in his book to which internecine strife is central, where violence related to national identities turns out to be difficult to counter, let alone come to terms with, and where reconciliation is 'glacial' (at 115). My response to his writing probably suggests a glimpse into why this would be so; I took his characterization of Dutchbat as an unwarranted slight, close to an insult, and then reciprocated. I could not help but wonder whether Ignatieff's own nationality had something to do with it; blame the Dutch so as to hide Canada's failings. Yet, both he and I should know better.

The second irony is that this is a book about creating or regaining communal trust in the face of difficult situations and, thus, should not give rise to patriotic reflexes. Ignatieff discusses how people manage to live together among multiple ethnicities in the two biggest US cities, despite all sorts of riots having spelled trouble. He discusses how ordinary people live in a thoroughly

¹ For an excellent journalistic account, see F. Westerman, *De slag om Srebrenica: de aanloop, de val, de naschok* (2015) (the title translates as *The Battle for Srebrenica: Prelude, Fall, Aftershock*).

corrupt Brazil, in violent and oppressive Myanmar, in post-nuclear tragedy in Japan; how reconciliation has worked (or has not) in Bosnia and South Africa. Ignatieff travelled the world for the Carnegie Council, talking to people and reflecting on their wishes and desires as well as their mechanisms for coping, and he concludes, by and large, that torn communities may manage to live side by side (if not literally live together) by individuals relying on what he calls the ordinary virtues: trust, tolerance, forgiveness, reconciliation and resilience (at 26).

At the end of the day, *The Ordinary Virtues* is a curious book. Until the final chapter, it is not exactly clear, for all the lucidity of its writing, what Ignatieff is arguing. He is known as a somewhat reluctant liberal, perhaps mostly in the mould of Isaiah Berlin (of whom he wrote a splendid biography²), and he is known to be sceptical of what may be expected from a reliance on human rights; an over-emphasis on human rights quickly becomes idolatry, and human rights thinking should not displace political debate and discussion.³ Generally, *The Ordinary Virtues* appears to argue that human rights create the framework enabling people to exercise the ordinary virtues; this is done mostly in the concluding chapter and mostly by reference to local, as opposed to universal, rights. In the preceding chapters, however, *The Ordinary Virtues* can be taken to argue, in line with Ignatieff's general reluctant liberalism, that people do not in their everyday struggle for survival look to human rights but, rather, to things such as trust and tolerance. This strikes me as accurate enough; important as human rights are for our public, political existence, they tend to have fairly limited relevance when it comes to getting the garbage picked up, or sending the kids to school, or hustling for jobs on the edge of a construction site with several hundreds of other jobless workers without legal papers.

This overall argument (in both versions – not only that human rights have little traction in everyday life with our neighbours but also create the framework for the exercise of the virtues) seems convincing enough, but what is downright surprising is that Ignatieff frames it in a vocabulary borrowed from Aristotelian virtue ethics; that he frames it in terms of the virtues, ordinary or not. This is curious for a variety of reasons. One is that it is sometimes (contestably perhaps) denied that the virtues can have any social or political relevance in our times. While it is clear that, for Aristotle, the virtues were 'public' almost by definition and helped shape the politics of the *polis*, some have questioned whether they can play the same role in our much larger and more complex societies. Ignatieff's reliance on the vocabulary of the virtues is also curious in that many think the virtues are unsuitable to guide political action; it is nice and wholesome, no doubt, if people are generally virtuous, but that tells us little (so the argument goes) about what kind of action to take – whether to intervene in Rwanda in 1994 or not; whether to impose sanctions on North Korea in 2017 or not.

But, mostly, Ignatieff's approach is curious in that what he refers to as the virtues bears not a lot of resemblance to what are ordinarily (sorry, no pun intended) considered to constitute virtues. Aristotle, with whose name virtue ethics is inextricably linked, referred to such character traits as honesty, temperance, courage, humility, a sense of justice and practical wisdom. These were, so he held, character dispositions held by individuals that would facilitate our common existence and ultimately lead to individual flourishing in a political setting. Later thinkers added further virtues (faith, hope, charity), and some of the Aristotelian virtues have lost their shine over the years; this applies, for example, to the Aristotelian virtue of wittiness. Virtues have been associated with the practice of judging,⁴ and there is a branch of virtue ethics concentrating on virtue epistemology;⁵ but, be that as it may, virtue is usually associated with individual character traits.⁶

² M. Ignatieff, *Isaiah Berlin: A Life* (1998).

³ M. Ignatieff, *Human Rights as Politics and Idolatry*, edited by A. Gutman (2001).

⁴ See, in particular, C. Farrelly and L. Solum (eds), *Virtue Jurisprudence* (2008).

⁵ See, e.g., E. Sosa, *A Virtue Epistemology: Apt Belief and Reflective Knowledge* (2007).

⁶ A very useful collection on the connections between law and the virtues is A. Amaya and H.L. Ho (eds), *Law, Virtue and Justice* (2013).

What Ignatieff refers to as virtues, however, are less obviously individual character traits. Instead, much of what he discusses is relational – that is, non-individual based. Trust is perhaps the best example. Trust is indispensable in politics (and life generally, really), but it is not usually considered something one can be inculcated with and consciously develop in oneself. I can decide, today, to become more courageous or more humble and then try to act accordingly. I may fail, of course, depending on the circumstances and behave in cowardly or arrogant fashion despite my resolution to be more courageous or more humble. But while I can decide to become both more trustworthy (so that others can rely on me) and more trusting (in that I can decide to put my trust in others to a greater degree than before), there is a decent chance that my trust in others depends at least in part on how those others treat me and that my own increased trustworthiness fails to be recognized. In short, trust is intimately tied to reciprocity,⁷ and it is awkward to think of trust in purely individual terms, which helps to explain, no doubt, why Ignatieff at no point does so. Trust has to be earned and can be lost in ways that do not quite apply to honesty, temperance or courage. Much the same applies to at least one other of the other ‘ordinary virtues’ singled out by Ignatieff: reconciliation is not something one can achieve alone.⁸ Both trust and reconciliation depend on the virtues (on such virtues as honesty and compassion) but cannot be considered to be virtues in their own right. There is a connection between Aristotelian virtues such as honesty and compassion and the Ignatieffian virtue of trust, but if both must be called virtues, then it is useful to remember that they are differently structured.

This idea raises the question of why Ignatieff resorts to the vocabulary of virtue ethics to discuss how people can live together (or side by side) in situations of profound disagreement or animosity. As it can safely be assumed that as a trained and experienced political theorist Ignatieff knows what he is doing, perhaps the most plausible explanation is that by invoking the vocabulary of the virtues, he wants to emphasize (over-emphasize perhaps) that all of us bear some responsibility for how our common world is organized, whether it is in Queens, New York, or in Bosnia or Myanmar.

After all, one cannot expect too much from human rights. Human rights are useful and inspirational for discussing and arranging relations between ourselves and those who run our lives (our governments and perhaps others, such as employers), but they have little bearing on how we behave towards each other. Communities consist of individuals physically thrown together but with different outlooks on life and different loyalties towards different clans or ethnicities, and human rights law has little bearing on everyday life with one’s neighbours. It is great that we enjoy freedom of conscience, but it is not of much assistance in trying to decide whether our neighbour with his different habits and language and culture can be relied on to put his garbage outside when it is to be collected, rather than half a week in advance. It is useful to have a right to be free from torture, but this will do little when we get upset about our neighbour slaughtering sheep in the hallway. And, while it is great to have a right to education, it will not be terribly helpful if the school is implicated in gang conflicts.

What is more, an over-reliance on human rights might undermine individual responsibility for our common world (as Hannah Arendt would put it), and it is possibly here the language of virtues comes in. To insist on the government for help in education, health care or sanitation is to ask too much, so Ignatieff seems to suggest. Governments, in implementing human rights

⁷ M. Kohn, *Trust: Self-interest and the Common Good* (2008).

⁸ At the risk of engaging in an esoteric discussion, it would seem that a hallmark of the virtues is that, in principle, they can apply in all walks of life: whether one is driving, shopping, working or voting. This does not apply in quite the same way to trust and reconciliation, although forgiveness, toleration and resilience would come closer. Much of the emphasis in *The Ordinary Virtues* is placed on trust and reconciliation though.

standards, can establish the frameworks within which those rights can be realized, but there is no substitute for the dedicated teacher, the compassionate nurse or neighbourhood doctor, the helpful police officer and even the dependable garbage collector. These officials form, together with the rest of us, the fabric of society; we need to be able to trust them, and they need to be able to trust us – without such trust, cooperation and co-habitation are next to impossible and that effectively means that social life is all but impossible.

The argument is not, it seems, without its risks. At some point, Ignatieff comes perilously close to advocating the neglect of universal human rights norms concerning refugees, instead endorsing their substitution by the ordinary virtues: '[W]hat may drive us is not some abstract conviction that refugees have rights, but simple pity and compassion. Human rights universalism is contemptuous of pity because it is discretionary, emotional, and highly personal. Yet it is possible that pure pity has done more real work to save victims than the language of rights' (at 213). This is difficult to swallow; surely, the millions of refugees trying to survive in camps in Lebanon, Pakistan or Uganda should not be told that their future as humans (of equal standing to the rest of us) depends on whether some of us are generous enough to let them in. It is one thing to endorse a virtuous reading of the Refugee Convention – a reading informed by compassion, charity and generosity as well as practical wisdom and a sense of justice, for example, but it is something else altogether to suggest that the Refugee Convention should be replaced by compassion, charity and generosity.⁹ Although, to be fair, Ignatieff does not go quite that far; he stops at saying that pity may have been more useful than rights.

If Ignatieff is merely suggesting that in today's world the ordinary virtues need to be re-appreciated as a solid basis for human togetherness, then this book functions mostly as a welcome eye-opener. After all, the fate of human rights since the late 1940s has made clear that these cannot be expected to do much work in regular everyday matters; human rights (even of universal provenance, one would be tempted to add) can do a lot of work in keeping overzealous governments at bay and should be appreciated for that reason alone. But they cannot regulate inter-personal relations and should never have been expected to. If, however, Ignatieff aims to argue that the ordinary virtues should replace existing rights, then audiences may be less thrilled; such would spell a return to pre-rights days, with much depending on charity and goodwill. Those are powerful forces but not very reliable, and it would be wrong to subject the poor and dispossessed to the whims and follies of philanthropists and charities.

But perhaps the proper way to understand *The Ordinary Virtues* requires a different reading – not as an exercise in Aristotelian virtue ethics, not even as a call for realism about human rights but, rather, as a reminder that the world cannot be governed by rules and rights alone; as a reminder that rights and rules on their own can remain sterile and abstract and need to be given flesh and blood by ordinary human beings, including (but not limited to) our political leaders. Our common world is eventually what we make of it.

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⁹ Convention Relating to the Status of Refugees 1951, 189 UNTS 150.