

BOOK REVIEW ARTICLE

The Story of International Human Rights: What is Missing

Michael Freeman¹

Human Rights: An Interdisciplinary Approach. 2nd edition, Cambridge and Malden: Polity, 241 pages, 2011

Samuel Moyn²

The Last Utopia: Human Rights in History. Harvard University Press, 337 pages, 2010

By Benita Sumita³

Today, human rights are an all encompassing catchphrase. They are the moral band aid to the bloody atrocities and violent instabilities that make headlines from Khartoum to Kabul with debatably some – and arguably growing – remedial purpose. But what are human rights? What is their story? How have we come to use and misuse them in everyday parlance? Michael Freeman, in his latest book – *Human Rights: An Interdisciplinary Approach*, uncovers the story of human rights as a concept; “a device for thinking about the real, and for expressing our thoughts (2011, p.3).” Freeman does not just take the abstract road down conceptual philosophy. As the title of his book indicates, he adopts an interdisciplinary approach. Such a dynamic approach to the story of human rights has been missing. This is not to say that Freeman has completed the narrative – not by a long shot – but he definitely moves human rights research forward.

¹ Michael Freeman is a research professor in the Department of Government at the University of Essex. He has given lectures at universities in more than 20 countries and has published extensively on the theory and practice of human rights.

² Samuel Moyn is professor of History at Columbia University. He works primarily on modern European intellectual history — with special interests in France and Germany, political and legal thought, historical and critical theory, and Jewish studies — and on the history of human rights.

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In addition to this novel view, by attempting to link the concept of human rights to the experiences of human reality, Freeman exposes the desperate situation between the real – human experience – and the ideal – human rights. He also highlights some of the glaring contradictions in (i) the concept of human rights itself – individuality vs. social collective good (ii) its conflict with other prevailing international norms, such as sovereignty and (iii) contradictions in several global responses to human rights violations. These contradictions are the core arguments of the book. For instance, he delves into the conceptual accommodation of the cultural variances of the philosophical idea of human rights – or the lack thereof – when in fact the first article of the Universal Declaration of Human Rights (UDHR) states that all human beings are equal in rights. This raises the ever prevailing debate of the universality vs. cultural relativity of human rights. The uniqueness of Freeman's take is the philosophical lens with which he looks at this debate across time. At a more pragmatic level, he exposes the contradiction in upholding human rights through more violence; for instance the American response to the 9/11 attacks of 2001 through the 'war on terror' strategy. An analysis of the recent events in the aftermath of the 2001 attack on the World Trade Centre within the global human rights story is also the addition to the second edition of the book.

Freeman substantiates his argumentative purchase by looking at how some of these contradictions can be understood better through the various disciplinary theories and debates in the social sciences. He rationalises his approach by criticising the legal understanding of human rights as merely prescriptive and not sufficiently explanatory or exploratory as the social sciences, especially interpretive social sciences, that bridge "the gap between legal abstractions and the everyday lives of the ordinary people it claims to defend (p.90)." He includes everything from Locke's classical theory of natural rights to the history of human rights in the aftermath of the Second World War; to political theories of dictatorships and democracies; to sociological and anthropological contributions. It is quite the Herculean task to attempt to cover all disciplines and the prominent scholars in the social sciences. And for this reason, Freeman is unable to provide the critical depth he, perhaps, set out to achieve in applying an interdisciplinary approach. Still, it is a good overview of the kind of inquiries – nature, scope, purpose and power of human rights – that can be made through social science theories.

The book does not attempt to clarify any of the conceptual contradictions by exploring the theories from the social sciences, but begins to denaturalise human rights for the reader. In addition to accepting their social construction, Freeman also reiterates the 'moral' force of the core meaning of human rights. If human rights form the moral compass of social coexistence, why are they so, especially considering they are not as effective as their moral force? To answer this question, one would have to ask whether human rights have always been morally reinforcing. Freeman does not consider or answer this question. Though the interdisciplinary approach provides a few missing pieces of the human rights puzzle, Freeman is short-sighted and accepts some of the basic premises of the story uncritically, such as the absolute 'moral force' of human rights at all times since their birth after the end of World War II in 1945.

In order to gain a more critical perspective, Samuel Moyn's *The Last Utopia: Human Rights in History* is recommended. Using a historiographical approach Moyn revisits the story of human rights diachronically. Instead of adding missing pieces to the human rights puzzle, he rearranges it to tell us a different story: "An alternative history of human rights, with a much more recent timeline, looks very different than conventional approaches. Rather than attributing their sources to Greek philosophy and monotheistic religion...and Adolf Hitler's Jew-killing, it shows that human rights as a powerful transnational ideal and movement have distinctive origins of a much more recent date (p.7)."

Moyn states that neither early philosophy, nor religion, nor movements such as anti-slavery or anti-colonialism, paved the way for conceptions of human rights. The periods which supposedly lay the ground for human rights – the seventeenth and eighteenth centuries – were more about the construction of nation, state and citizenship than the individual. He also writes that human rights "died in the process of being born (p.47)" in 1948 with the Universal Declaration of Human Rights. This is unlike how Freeman starts his story of human rights – in 1948. Moyn sees the true beginnings of human rights with "the move from the politics of the state to the morality of the globe (p.43)." This he claims only took place in the latter half of the twentieth century – the 1970s – more precisely 1977. Much of the success for the 'resurrection' of human rights is accorded to the spurt and growth of international non-governmental organisations (NGOs) in the 1950s and 60s – especially Amnesty International – that led to the explosive force and magnetism of human rights since the 1970s. Moyn claims that this was the beginning of the moral struggle against the politics of the state as the only space for rights. But as 'everything is political', the 1970s human rights revival sustained and gained momentum through the politics that claimed to transcend politics.

Moyn intricately weaves an alternative history of human rights giving the reader a, perhaps, missing side to the story focusing on how international law shifted from serving nation states, to protecting individual rights. He achieves this quite uniquely and critically by combining the historical philosophy, nexus of politics and religion and the narrative of events over centuries. But, just like Freeman's contribution, Moyn's work does not give – and does not try to give – the complete multi-dynamic story of human rights. Both books help the reader piece together various aspects of human rights history.

Interestingly, neither book is by international legal or international relations experts, which perhaps contributes to the new insights on the idea and ideal of human rights. Freeman is a research professor at the Department of Government at the University of Essex and Moyn is a historian at Columbia University. Conceptually and theoretically, they have broadened our horizons to the understanding human rights. These books may prove to be essential reading for students and emerging researchers of human rights – especially for those who would like to pursue some of the preliminary ideas set forth in them.

The story of human rights, especially as an international all-encompassing norm is not yet complete, and perhaps will never be. We can accept the recalculation of the birth of human

rights to the shift in the morality of the globe in the 1970s as Moyn demonstrates, or reinforce our faith in the moral force of the concept of human rights as Freeman reiterates. But the implementation and protection of individual rights does not only depend on individual moral agency and the politics of states. It also depends on the moral agency of states. But do states have moral agency? If they do, what is it and how do we understand it? Perhaps this discussion is another missing piece to the human rights story.