

Human Rights and Revolutions

*Jeffrey N. Wasserstrom, Lynn Hunt and Marilyn B. Young, eds.
Pennsylvania: Rowman & Littlefield Publishers, 2000. 253 pages.*

"For liberals committed to the priority of the individual and the inviolability of individual rights, religion and revolution are both suspect," observes Timothy McDaniel in this volume's final essay, "The Strange Career of Radical Islam." Although the sentiment is intended to usefully complicate the canvas of contemporary human rights discourse, it is curious that the nexus of religion with human rights and revolutions receives no analytical attention at all in the volume's twelve preceding contributions – not even in Lynn Hunt's otherwise trenchant opening survey of "The Paradoxical Origins of Human Rights." Ostensibly, what this book casts as the paradox of revolutions, as both fueling and undermining the pursuit of human rights, is played out by revolutionary Islamic movements that profess liberation (according to their own lights), only to deliver repression. But the result is that "radical Islam," which is undefined, becomes the sole context in which the reader is invited to reflect on the religion-human rights nexus, much less the particular interface of Islam and Muslims with the welter of rights-movements, ideas and practices.

Which is all the more regrettable in view of Hunt's insightful grounding at the outset, (Chapter One), of the interplay of democracy and human rights in attitudes toward the autonomy of the individual, coupled with communal recognition of key elements of the human condition. Drawing on French revolutionary history, she illustrates how newly robust claims on behalf of the person – as in the opposition to what had been the casual infliction of "legal" torture to elicit confessions and information, or to *lettres de cachets* that allowed parents to jail disobedient offspring – emerged alongside a print culture of novels and newspapers that exposed the psyche of social strangers. The upshot, for Hunt, is an "imagined empathy" (after Benedict Anderson's "imagined community") – a key psychological field of identification with other autonomous individuals, often female, as being like oneself. Surely there is abundant scope for applying this notion to the unfolding of human rights discourses, whether "traditionalist" or "modern," in the Muslim world (or for that matter to

Christian, Hindu or Jewish communities) beyond the confines of "radical Islam."

Perhaps this might have occurred naturally if Hunt, in essaying of the dynamics of autonomy and communal recognition, had considered the implications for civil society – the space where ensembles of associative life can mature into a civic culture that underpins liberal democracy. Indeed, the political philosopher Charles Taylor, whom Hunt quotes in his emphasis on human agency in the emergence of modern individual rights, has also written eloquently of the civic/humanist tradition in which society is "poised between central power and a skein of entrenched rights."¹ It is a small step from that perception of civil society considering how Muslim-majority societies in particular strive in their quest for modern democratic culture to balance individual autonomy and the integrity of communal or '*ummah* entitlements and recognition. The insistence of Ernest Gellner and others that Muslim societies deny themselves access to the civic webs of democratic culture by privileging '*ummah* membership,² only adds to the "problematic" (more apparent than real, in my view): is there anything peculiarly Islamic about the less than salutary performance of so many Muslim societies on respecting fundamental human rights norms?

Instead, we have McDaniel's sympathetic but deeply unsatisfying treatment ("The Strange Career of Radical Islam", Chapter 13), in which he argues that Islam has been ahead of the Judeo-Christian tradition in at least having a "hierarchical" recognition of human rights *ab initio* – in which women, minorities and even slaves enjoyed clearly identified if inferior rights. Since radical activists from Qutb and Mawdudi to Ayatollah Khomeini embrace a mythologized vision of Islam based on "the golden age of the Prophet and his companions," it hardly comes as a surprise that there is nothing "revolutionary" about their views of modern human rights, especially when it comes to women and minorities. McDaniel goes on to assert that their ahistorical and ideologized views are "also in certain fundamental ways not really Islamic," especially when they seek to

1. Charles Taylor, 'Invoking Civil Society', in *Philosophical Arguments* (Harvard University Press, 1995), 204-24, at 215.

2. Ernest Gellner, *Conditions of Liberty: Civil Society and its Rivals*, (Penguin, 1994). See also Serif Mardin, *Civil Society and Islam*, in *Civil Society: Theory, History, Comparison*, ed. John A. Hall (Polity Press, 1995), 278 (contending that civil society is, in effect, "a Western dream, a historical aspiration," that is not shared by Muslim societies).

promote "revolutionary ethics" in the face of Islam's traditional respect for private property and privacy. Well, well. By what logic can one claim simultaneously that the radicals lack historical dynamism – and also that they have no right to reinvent tradition?

Where political and social practices violate hallowed principles of proper Muslim behavior, including human rights-related norms, it does not strike me as rewarding to dwell on whether the violators are to be classified as "radicals," "traditionalists" or "modernists." That the Taliban's bloody record of human rights violations in Afghanistan since 1996 has been driven by radical ideology (and the desire for power), for example, is painfully axiomatic. The more interesting line of inquiry would appear to be about the pre-Taliban erosion of civil society as the bedrock for individual and communal autonomy – and the persistence of rudimentary forms of civic association today (from schools to self-help networks of women) in resisting the regime's onslaught. Both questions demand analytical explorations far beyond the parameters of particular religious ideologies, radical or not, while also calling for addressing counter-discourses to civically destructive revolutions.

As for the wider point about the reinvention of tradition, it is made squarely in Jeffrey Wasserstrom's essay on "The Chinese Revolution and Contemporary Paradoxes," which highlights the limits of cultural relativism. The erstwhile image of China's "Confucian" neglect of individual freedom of expression is challenged in Wasserstrom's observation that from the end of the nineteenth to the middle of the twentieth century, "one finds many Chinese intellectuals of varying political orientations, ranging from iconoclastic founding members of the CCP [Chinese Communist Party] to liberals with great respect for some Confucian ideals, defending the rights of individuals." To this day, nonetheless, citizens as far afield as Singapore are told by politicians and bureaucrats of the "traditional" tenet of suppressing individuality in favor of communal interests – as interpreted by those in power. Indeed, the repossession and redefinition of rights and duties is a constant refrain in the evolution of human rights – a matter that Wasserstrom himself overlooks when he points to tensions between the rights of citizens and those of humans in key international documents. Those normative statements capture the spirit of the age – be it post-World War II Europe, the Cold War world, or the postcolonial Third World. One need only glance at the language of eighteenth century American or French human rights statements to see the obvious.

Or one could consider the revolutionary progress in humanitarian law in the past decade, as a direct consequence of the Balkan and Rwandan genocides, resulting in international tribunals that hold individual leaders accountable for war crimes and crimes against humanity. Although the foundations of this normative framework were laid in the aftermath of World War II by the Nuremberg tribunal and the Geneva Conventions, it is only in the post-Cold War universe that their implementation in the context of international criminal law has become a reality. The significance of this is duly acknowledged by David Rieff in his contribution on NATO's intervention in Kosovo. But it is dissipated by Rieff's engagement in the ongoing polemics about neo-liberal expansionism in such crises – captured in the title of his piece, "A New Age of Liberal Imperialism?" You would scarcely know from his essay, or from Robin Blackburn's wanton platitudes on the same theme ("Kosovo: The War of NATO Expansion"), that the salient issue here is the world's failure to prevent the wholesale slaughter of nearly a million civilians.³ And nowhere do these authors ask whether the ethno-cultural identity of the principal victims had any bearing on the failure to come to their aid despite the existence of enabling legal, political and military resources in abundance, over and above clear ethical imperative.

There are some astute insights in this volume on the differential grounding of human rights within what is commonly labeled "Anglo-American" jurisprudence (notably the British tradition of common law protection versus the American embrace of natural rights), and also on the role of citizenship in the slow expansion of Enlightenment views of individual autonomy after the Russian Revolution (an issue that remains alive in post-Soviet Russia). However, many of the thirteen essays are more descriptive than analytical, and not quite engaged with prevailing realities – whether in Peru, Vietnam, Myanmar, Africa or New Caledonia, all of which are considered mainly on the basis of narrow "revolutionary" or historical frames of reference. Nor is it sufficient to state and restate, as so many of the contributors do, that paradoxes abound in human rights revolutions and quests, as if this were a *sui generis* attribute of rights – discourse and practice. Seldom are the reasons for or the implications of these paradoxes (both real and supposed) actually assessed.

3. Rieff himself has documented this in his *Slaughterhouse Bosnia and the Failure of the West* (Touchstone, 1995), which may explain, but does not excuse, the treatment of the subject here.

That is arguably the final paradox about what ought to have been a richer volume, in depth as well as relevance.

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Women's Movements and International Law

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This book is a collection of essays that explore the role of women's movements in the development of international law. The editors, Susan R. Branson and Susan R. Branson, are both prominent scholars in the field of international law and women's rights. The book is divided into three parts: the first part focuses on the role of women's movements in the development of international law; the second part focuses on the role of women's movements in the development of international law; and the third part focuses on the role of women's movements in the development of international law. The book is a valuable resource for scholars and practitioners alike, and it provides a comprehensive overview of the role of women's movements in the development of international law.

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