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## Stephen James on Human Rights at the UN: The Political History of Universal Justice by Roger Normand & Sarah Zaidi. Bloomington, IN: Indiana University Press. 2008. 486pp.

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**Abstract**

A review of:

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**Keywords**

Universal justice, United Nations, Human rights

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Normand and Zaidi confess that they are “human rights believers and human rights skeptics at the same time” (xxi). This confession sets the tone for the book. The authors want to evaluate the history and operation of the international human rights regime soberly, while, paradoxically, not losing touch with the intoxicating possibility that human rights discourse, institutions, and culture might transform the world for the better. They seek to explore historically and politically why human rights, “a potentially revolutionary ideology with popular appeal could be so ineffective at improving people’s lives on the ground” (xxii). They regard such improvement as the real test of the value of the UN human rights regime.

The book’s Preface and Introduction provide a useful survey of the authors’ views on the following matters: the conceptualization and justification of human rights and their ‘soft power,’ the importance of ‘civil society’ and ‘ordinary citizens’ to the success or failure of the human rights regime, the obstacles of state sovereignty and the norm of domestic non-interference, the alleged non-participation of ‘peripheral’ nations in the development of the human rights norms, the lack of fair sanctioning of states for violations of human rights, and the persistence of various contradictions in human rights discourse.

Part I examines the laws of war and international humanitarian law, drawing on Roger Normand’s earlier critical work in the field. It explores the cynical machinations of states at the Hague Peace Conference of 1899, citizen ‘peace and justice’ movements from the nineteenth century onwards, World War I and the Wilsonian rhetoric of self-determination, the failure of the League of Nations (and the experience of its minorities system), World War II, Franklin Delano Roosevelt’s ‘Four Freedoms,’ the San Francisco Conference of 1945, and the mobilization of the Latin American bloc of countries (together with smaller powers and ‘civil society groups’) for a better and bigger say with regard to the UN and human rights.

Part II investigates the creation and development of the United Nations, emphasizing the dominant role of the United States in this process. The authors conclude that the United States had, by its own government’s design, a negative effect on human rights. Like the USSR, it defended state sovereignty and ‘domestic jurisdiction’ (see Art 2(7), UN Charter, for example) and sought through the rhetoric of human rights to mobilize support for its foreign policy, to quieten human rights enthusiasts at home, and to remake the world in its own capitalistic image. The authors are critical of the Universal Declaration of Human Rights. It is, in their view, an instrument limited by its “conformity with the US vision of human rights” (177) and by its lack of enforcement ‘teeth.’ One might recall, regarding the question of enforcement, that Hersch Lauterpacht, the celebrated Cambridge international law scholar, had expressed similar concerns in his pioneering work on human rights of the 1940s.

Chapter 7 gives an account of the international agreement on the 1966 Covenants. It emphasizes the damage done by the ‘splitting’ of civil and political and economic and social rights into separate treaties, with a more stringent, although still far from perfect, enforcement regime for the former compared to the latter. This splitting is explained as part of the United States’

persistent capitalist hegemony, and is said by the authors to set the pattern for international economic governance as it operates to this day.

Part III surveys the rights of ‘special groups,’ including women, children, minorities, and indigenous peoples in the context of decolonization, the New International Economic Order, the right to development, racial discrimination, and global poverty and inequality. The authors provide an effective critique of the contrast between the reasonably effective institutional, adjudicative, and enforcement mechanisms that exist for the benefit of global capital (for example, through structural adjustment, ‘conditionalities’ and free trade under the aegis of the International Monetary Fund, World Bank, and World Trade Organization) and the much weaker human rights regime (especially when it concerns extreme global poverty). Chapter 10 indicts ostensibly liberal states for using the ‘war on terror’ as a cloak for the strengthening and misuse of their “repressive apparatuses” (332).

Human Rights at the UN is an extraordinarily wide-ranging, well organized, insightful, and engagingly written book. There are, however, some significant weaknesses. First, the authors claim that they are not interested in metaphysical questions about the definition and justification of human rights “or historical controversies over Eurocentrism” (xvii), but they then proceed throughout the book to offer rather muddled, and sometimes contradictory, commentary on these issues. At times they seem quite comfortable with “dignitarian” (to borrow Mary Ann Glendon’s term) and universalist foundations for human rights. For example, they define human rights as “the radical idea that everyone everywhere shares an equal birthright of dignity that should be recognized in law and politics as matters of principle and practice” (15), but they also state that “universality is a rhetorical device that not only masks specific power relations but also papers over a wide range of differences within the human rights concept itself” (10). The same is true regarding the question of whether human rights are quintessentially individualistic or not. In one place, they equate real human rights with claims by and on behalf of *individuals* (which places them in the camp of Jack Donnelly and Rhoda Howard-Hassman), but in another they provide a thorough account of group claims (including self-determination claims) as human rights. They fail to reconcile the account of collective human rights, which they assume to be valid, with their earlier conceptualization of human rights as intrinsically and exclusively individualistic in character.

Second, with regard to the historical origins of the UN human rights regime, the authors follow the path of English political scientist Tony Evans. And, like him, they are unable to explain American (which they erroneously tend to conflate with ‘Western’) defeats in relation to its efforts to exclude from the main human rights instruments provisions relating to economic and social rights, racial equality, self-determination and unmodified human rights obligations in federal states and former colonies.

This failure of explanation is partly due to the authors’ determination to look principally at US government “internal ... communications” (19) and other records, rather than at sources related to “popular struggles for human rights by civil society and oppressed communities” (20). Had they looked more consciously at these struggles, they would have seen that the origins of the human rights regime is diverse, that some ‘Western’ states supported economic and social rights, while others rejected them, and that transnational human rights networks were effective in their

support for *civil and political* rights as part of the struggle against racism and imperialism (see, for example, the work of Paul Gordon Lauren, Johannes Morsink, Susan Waltz, Stephen James, Zehra Arat, and Carol Anderson). A vicious circularity results from their focus on sources that are consistent with their view of the human rights regime as a product of US hegemony. It is a particularly ironic circularity given the authors' genuine interest in the quality of the lives of 'ordinary people' engaged in struggles for the full range of human rights.

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