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Premature Judgment

Todd Landman
University of Essex

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Premature Judgment

Abstract

Just as Mark Twain said in 1897, “The report of my death was an exaggeration,” many commentators have prematurely reported the death of human rights. For example, in 1999, in *The Theory and Reality of the Protection of International Human Rights*, J. Shand Watson sees human rights as a “mere fiction” in light of a century of state-sponsored killing. One year later, Costas Douzinas, through an appeal to history, philosophy, and psychoanalysis proclaimed the “end of human rights.” It is thus no surprise that the article by Joshua Kurlantzick is yet another attempt to warn us that human rights have met their match, that leading states in the world are ignoring them, and that the “downfall” of human rights is upon us. His context is the late 2009 Obama trip to China, during which the rights agenda was downplayed, a trend within the world that he says is gaining strength as states turn their attention to surviving the economic crisis and other “realist” interests.

Keywords

Human rights, United States, Economics, Democracy, Human rights research

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Premature Judgment

by Todd Landman

Just as Mark Twain said in 1897, “The report of my death was an exaggeration,” many commentators have prematurely reported the death of human rights. For example, in 1999, in *The Theory and Reality of the Protection of International Human Rights*, J. Shand Watson sees human rights as a “mere fiction” in light of a century of state-sponsored killing. One year later, Costas Douzinas, through an appeal to history, philosophy, and psychoanalysis proclaimed the “end of human rights.” It is thus no surprise that the article by Joshua Kurlantzick is yet another attempt to warn us that human rights have met their match, that leading states in the world are ignoring them, and that the “downfall” of human rights is upon us. His context is the late 2009 Obama trip to China, during which the rights agenda was downplayed, a trend within the world that he says is gaining strength as states turn their attention to surviving the economic crisis and other “realist” interests.

But what is Kurlantzick's evidence for this “downfall?” He only names three established democracies (Japan, Australia, and France) and three “new” democracies (South Africa, Thailand, and Cambodia), from which he concludes that “The age of global human-rights advocacy has collapsed, giving way to an era of realism unseen since the time of Henry Kissinger and Richard Nixon.” He conflates the “democracy promotion” agenda of George W. Bush and other Neoconservatives with human rights advocacy and bemoans a return to pragmatism, and a willingness of rights-protective states to do business with less savory regimes in the world. I, too, do not want leading world powers to remove human rights from their policy agendas. I celebrate the growth in democracy and human rights that has occurred throughout the latter half of the 20th century. And I would not want a global regression from the progress in human rights that has been achieved.

But any assessment of the state of human rights and a proclamation about the “collapse” of human rights advocacy surely needs to be more balanced, especially if it relies too heavily on Freedom House scores and a few policy utterances from a handful of democracies in the world. Human rights advocacy takes many forms. Unilateral, bilateral, and multilateral promotion by states is one avenue available, but others include the work of non-governmental organizations, the burgeoning world of academic research, and the engagement of the academic community in significant knowledge transfer activities related to human rights.

The history of the human rights movement is grounded in the work of non-governmental organizations that have sought to shape and change the global agenda. States have worked with NGOs to generate human rights standards, and the research on [“transnational advocacy networks”](#) suggests that, across certain cases, human rights advocacy that links inter-governmental organizations (INGOs), domestic NGOs, and states has actually worked. States have made concessions and institutionalized human rights. As in many political processes, however, the development of the institutions and supportive political culture for rights-protective states does not happen overnight, nor do they happen in an inevitable and linear fashion. Rather, they may take a generation and occur in fits and starts. Kurlantzick should have been more attuned to the incremental, prolonged and, at times, inconclusive nature of the struggle for rights.

My own quantitative research on the growth and effectiveness of the international human rights regime shows that there is a limited but significant impact of state ratification of human rights treaties on the actual [protection of human rights](#). This impact, however, is conditioned by other factors, including the level and timing of democratization, the degree of interdependency of states, and the level of domestic conflict. These findings have been corroborated recently by Beth Simmons in her book, [Mobilizing for Human Rights](#), which also shows how domestic processes contribute to rights protection alongside different international dimensions.

Ironically, as China waited for Obama to touch down in Beijing, my colleagues and I had just finished the second instalment of a training course for human rights scholars that had taken place in the southern city of Shantou. Funded by Norway and Sweden, the China program provides training for a cohort of Chinese academics in research methods for human rights. Along with Professor Rhona Smith from Northumbria University and Professor Bill Simmons from Arizona State University, our group of scholars is working on projects as diverse as water pollution and communities of river dwellers, occupational health of migrant workers, corporate social responsibility within small to medium size enterprises (SMEs), and the clash of rights between animal welfare and the right to an adequate standard of living. Anyone working in China knows that it is not a monolith, but has significant entry points for these kinds of academic interventions, where the incremental advance in human rights takes shape along different lines than the kind of state-to-state interactions that are the focus of Kurlantzick's attention.

I share his concerns about the downturn in the discourse of rights at these high levels, but I cannot pass the same kind of judgment on the human rights movement itself.

Todd Landman is Professor of Government and Director of the Institute for Democracy and Conflict Resolution at the University of Essex. His most recent publications include [Measuring Human Rights](#) (Routledge 2009), [Human Rights, Volumes I-IV](#) (Sage 2009), and the [Handbook of Comparative Politics](#) (Sage 2008). He carries out numerous international consultancies in the area of development, democracy, and human rights. www.todd-landman.com