

H-Net Reviews

in the Humanities & Social Sciences

Eike Wolgast. *Die Geschichte der Menschen- und Bürgerrechte*. Vol. 580. Stuttgart: Kohlhammer, 2009. 385 pp. EUR 24.00 (paper), ISBN 978-3-17-017815-1.

Reviewed by Jean Quataert (Binghamton University, SUNY)

Published on H-German (August, 2011)

Commissioned by Benita Blessing



Missing Perspectives in Human Rights History

With *Geschichte der Menschen- und Bürgerrechte*, Eike Wolgast provides a historical examination of major texts and geopolitical developments. His objective is to shed light on our contemporary interest in human rights and citizenship rights principles. Innovatively, he differentiates between “human rights” and “citizenship rights,” although he locates the origins of both in the classic French document, the “Declaration of the Rights of Man and Citizen” (1789) and other related texts, including examples from earlier British and American colonial history. In this way, he overcomes some of the linguistic uniqueness of the German language, which uses *Menschenrechte* for what typically is rendered, in English and French at least, as the “rights of man.” At the outset, he seeks to probe the universal behind the construction of constitutional rule and national citizenship in the eighteenth-century Atlantic world. This promising distinction, however, is neither theorized nor critically analyzed in the lengthy discussions that follow.

Wolgast intervenes, as he describes it, as a historian, and not a theorist of political or ethical philosophy or an international lawyer. He bases this claim in part on the his choices of selected documents from the past and the way in which he analyzes their language, norms, and prescriptions. The book offers a close examination of selected texts, notably constitutions, declarations, and official state documents. The operative word for this study is “selective,” for he is not claiming to provide a “systematic” (p. 9) investigation of texts and ideas. In fact, Wolgast has written a pretty standard history of Euro-

pean constitutional, political, and administrative developments, expanding that purview by drawing on political traditions from the so-called West. He takes the reader to the French Revolution and its impact on Europe, the July Revolution of 1830, the Revolutions of 1848, the interwar period, and the post-World War II era. The study also singles out German patterns for their contributions to rights thinking (i.e., the Weimar constitution in the 1920s) while acknowledging the abuses of these very traditions, as in the Nazi Holocaust and genocidal wars. By the twentieth century, Wolgast also turns the focus more broadly to the international order of states, with a brief discussion of the League of Nations and a more extensive, although conventional, analysis of the “internationalizing and universalizing” processes of rights thinking under the auspices of the United Nations after the Second World War (p. 214ff). This approach is not an effective one for addressing the interplay of universal values and national embodiments promised in the opening section of the study. There is, for example, no attention to the development of international law, a perspective which might have integrated the dual track focus and, certainly from the mid-nineteenth century on, provided Wolgast with interesting and compelling evidence of the new language of “common humanity” even in the face of the law’s continued differentiation between “civilized” and “savage” people.

Wolgast offers a Eurocentric approach to the issues at stake. Roughly 10 percent of the book of 336 pages of text is devoted to non-Western developments and, here, Wol-

gast presents a diffusionist model: rights talk, both human and civil, originated in the West from the traditions of humanism, the Reformation, and the Enlightenment era and influenced political development elsewhere. By the last third of the twentieth century, he generalizes, non-Western people drew on their own values and traditions to oppose the universal claims of human rights. In the section on the second half of the nineteenth century, which opens with the dubious claim that the period saw “no further developments of human and civil rights principles” (p. 167), he devotes one long paragraph to political changes outside the West. There, he argues, the emerging constitutional order in the Ottoman Empire, Japan, and Iran was modeled on European patterns. But, take the case of the Ottoman Empire. Wolgast knows no Ottoman or Arabic, so that he must rely entirely on secondary-source resources for his argument. He thus cannot assess the state documents that elsewhere he relies on so heavily for this analysis. As a result, he does not credit the commercial, bureaucratic, and status changes in the empire during the preceding century that helped set the stage for the *Tanzimat* reforms and subsequent constitutional patterns. Their origins, in fact, were not in the West alone, but reflected a complex interplay of local social change and increasing Great Power pressure on the nominally independent empire. The argument for diffusion can be made only in the face of historical local knowledge.

Of course, historians disagree about the genealogy of human rights. There is a tradition of historical scholarship that, like Wolgast’s volume, unquestioningly sees human rights, civil rights, and democracy as unique contributions of the political and intellectual course in the West. I certainly cannot solve these disagreements in this book review. But for me, at a minimum, it is about taking seriously the agency of many peoples outside the West as they confronted the challenges of the emerging capitalist world economic order and the new imperialisms. Their struggles hold surprisingly interesting patterns omitted from the text.

I am not going to write the book here that I wished Wolgast had written, but let me make two different points. The example of Haiti is completely missing from Wolgast’s analysis. Rather, he assesses the impact of

French revolutionary ideas and constitutional forms on the Prussian civil code (1794), on the French satellite states, on Poland and French-occupied Prussia, and on the other southern Germanic states. He has a short chapter on Sicily and Spain in 1812. But in the Haitian revolution, former slaves claimed the “rights of man”; they invoked the “general will” in their struggle for freedom and independence, pushing the terms well beyond their original French meanings; they remapped the world through visions of association between Haiti, France, and West Africa to end the slave trade and slavery. In addition, their ideals spread far and wide, challenging the slave societies of the Americas. Similarly, anticolonial activists pushed and stretched the doctrine of self-determination, giving it new meaning and import. It was part of anticolonial movements spreading around the globe by the early twentieth century; essential in the effort to internationalize (minorities’) rights for all people, everywhere, by the early 1930s under the League of Nations; and an inspiration for decolonization. Indeed, many leaders of newly emerging nations understood it as the first human right, before all other rights. After 1973 self-determination was again transformed into the right of people to control their own natural resources (a claim that remains highly contested, given the historical biases of international law).

The categories Wolgast uses for peoples in two-thirds of the world are large geographical entities such as Africa, Asia, and Islam—as if Islam, for example, is an appropriate category of analysis, given its diversity and the complexity of beliefs, the presence of large Muslim migrant and citizen communities in the West, and the many other components that tug at individual identity, including ethnic, cultural, and gender differences. As this latter example demonstrates, Wolgast employs the highly charged polarities of contemporary politics to do his history. Yet, “regions,” “traditions,” and “cultures” are complex and changing. Human rights and civil rights protections historically come from struggles—new visions, their transnational spread across frontiers and seas, and the essential, specific work of translation on the ground. Any history—including one based on reading documents and texts—must accommodate these vital foundations of change.

If there is additional discussion of this review, you may access it through the network, at:

<https://networks.h-net.org/h-german>

Citation: Jean Quataert. Review of Wolgast, Eike, *Die Geschichte der Menschen- und Buergerrechte*. H-German, H-Net

Reviews. August, 2011.

URL: <http://www.h-net.org/reviews/showrev.php?id=31037>



This work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 United States License.