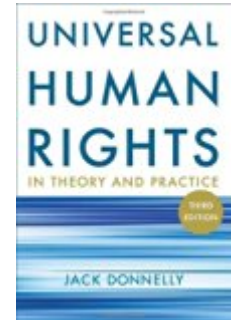


**Jack Donnelly.** *Universal Human Rights in Theory and Practice*. Ithaca: Cornell University Press, 2013. x + 320 pp. \$23.95, paper, ISBN 978-0-8014-7770-6.



**Reviewed by** Hans Schmitz

**Published on** H-Diplo (November, 2013)

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The first edition of *Universal Human Rights in Theory and Practice* was published in 1989, just as the Soviet Union and socialism in Eastern Europe crumbled. Jack Donnelly's book at that time was visionary, in particular for a scholar working in the field of international relations where the idea of state sovereignty was dominant and scholars focused their attention largely on causes of interstate war and peace. States were seen as the sole relevant players, and mainstream academic debates focused on the limits and possibilities of cooperation under anarchy. While the European Community and rising levels of global trade during the 1970s offered evidence of growing levels of interdependence among states, human rights were viewed as an exclusively domestic matter largely irrelevant for understanding interstate relations. As long as violations of rights did not affect foreign citizens, why should or would a government care about abuses elsewhere? Many international relations scholars rejected making human rights a part of foreign policy objectives because it was seen as increasing, rather than de-

creasing, the likelihood of armed conflict between states.

Donnelly was one of the first scholars in the field of international relations to take seriously what the majority in the discipline considered as the "low politics" of international human rights. A core part from the first edition onward is a section titled "Human Rights and International Action," which highlights not only that weak international institutions can matter but also how states have come to develop human rights-focused policies as part of their foreign relations. The emergence of international human rights as a topic in international relations fundamentally challenged traditional disciplinary assumptions, including the preponderance of state power and the idea that national interests are exclusively focused on the pursuance of military and economic power. Claiming that human rights are a legitimate topic of study foreshadowed the rise of sociological institutionalism as a new paradigm in international relations starting in the 1990s.

The third edition of *Universal Human Rights* (2013) is substantially revised, but retains much of the focus and structure of the previous editions. It remains divided into a set of main parts, taking the reader from questions about the foundations of human rights to contemporary practices, such as international efforts to advance human rights (part 4), and discussions of specific cases, including humanitarian interventions, economic and social rights, and the protection of sexual minorities (part 5). But the core of the book reflects Donnelly's evolving interpretations of cross-cultural perspectives on the idea of human rights as well as how human rights emerged historically and became ultimately codified internationally in the Universal Declaration of Human Rights (UDHR), adopted December 10, 1948.

Donnelly has used every edition to both broaden and deepen the discussion on core rights controversies, including universality versus cultural relativism and claims about the relative importance of certain rights. By seriously engaging with non-Western traditions and giving significant room to competing views on rights, Donnelly builds up the credibility necessary to effectively advance his own interpretation of the tensions marking contemporary rights debates. In tracing the ideas of human dignity not only in Western thought but also in Hindu and Confucian traditions (part 3), Donnelly offers a compelling basis for defending rights from a cross-cultural perspective without being vulnerable to accusations that he ignores the very real differences in rights discourses across religious and other traditions.

What makes all three editions a compelling read is that Donnelly offers some of the most intriguing summaries of rights controversies without, ultimately, getting bogged down by these differences or giving in to the temptation of rejecting a particular view, even if it is critical of the very idea of human rights. His fundamental insight expressed by arguing that rejection of "human rights is not necessarily evidence of moral defect

or error" is key to understanding the difference between successful and failed attempts at advancing human rights in the world (p. 21). Donnelly reminds us that what matters is not only that we insist on rights being universal, but also that we learn how to put ourselves into the position of those who do not share this sentiment. To say that human rights should apply everywhere is the easy part, but to consider this basic respect of human rights in our engagement with those who disagree turns out to be a much more complicated matter. This fundamental insight of the book applies to a wide variety of contemporary human rights debates, ranging from the campaigns to eliminate female genital cutting to the controversies about the use of military force or international courts to end or punish gross violations. While human rights activism often rejects a utilitarian focus on means, it turns out that how we promote human rights is critical to any successful effort in advancing the rights of others.

Donnelly's book uniquely combines taking seriously differences regarding the validity of human rights, offering his own resolution of these debates, and insisting that such differences do not preclude us from advancing human rights in practice. This approach is particularly compelling when Donnelly turns to questions of universality. While in the transition from the second to the third edition, he chose to drop the word "universal" from the title of the opening part (now titled "Toward a Theory of Human Rights"), his main argument remains the same: while we should take seriously differences in cultural traditions and theoretical interpretations of rights, those debates do not undermine the general case for universality, simply because it has now been repeatedly reaffirmed following the creation of the UDHR almost seven decades ago. Donnelly rejects any efforts to read rights into cultural traditions and opts instead for calling them what they are: contemporary norms about individual autonomy and

equality that have emerged in a particular time and are now generally accepted.

These fundamental insights of the book will also likely lead readers to ask why Donnelly chose to put the main emphasis on “theory,” instead of providing a more expanded discussion of real world human rights problems framed by his core positions on prominent debates. One such surprising omission here is the absence of a sustained introduction and discussion of transnational human rights activism as it emerged in the 1960s and 1970s as a response to the failures of the international human rights regimes that he describes in part 4. Considering how influential organizations such as Amnesty International and Human Rights Watch became during the Cold War and how scholarship has traced their role in delegitimizing Soviet-style rule, transnational human rights groups are integral to an understanding of the international system today. The idea of mobilizing citizens across borders as well as the use of “naming and shaming” strategies in getting powerful states to support human rights causes offers an important alternative explanation to how Donnelly understands the evolution of the United Nations system on human rights. For Donnelly, the core reasons why these regimes evolved are “domestic political action” and “international moral shock” (p. 194), leading him to conclude that the international human rights regime has remained well below its potential in the post-Cold War period. However, this skeptical view that denies a qualitative shift in the global environment holds on to a largely state-centric perspective and misses what is going on elsewhere. What about considering the transnational sphere as an alternative realm that offers an independent sphere of action beyond the kind of changes caused by major rights setback (such as the Universal Declaration after the Holocaust)? The point certainly is not to proclaim the existence of a “global civil society,” but to consider in what ways studying the transnational field offers an alternative explanation to accounts that emphasize global revulsion

to atrocities or the projection of domestic norms onto the international level.

The post-Cold War period then offers an ever-expanding panorama of such transnational human rights activism, including high-profile cases, such as the landmines campaign, the coalition in support of the International Criminal Court, the Treatment Action campaign (HIV/AIDS), or Save Darfur. While international human rights regimes still matter, Donnelly’s narrow focus on them prevents taking stock not only of how these campaigns have shaped the agenda of the United Nations in the first place, but also how human rights are increasingly promoted outside of the traditional state system. For better or for worse, non-governmental organizations (NGOs) and their campaigns today define what constitutes a human rights violation deserving our attention. What Donnelly describes in parts 4 and 5 is increasingly driven not by states and their interests, but by factors internal to transnational advocacy networks and their core participants competing for attention and funding. Even previously separate fields of activism, such as development work, have now become part of the vastly expanding global human rights discourse. The United Nations and a majority of large NGOs have reframed their anti-poverty work in the language of rights and claim to have replaced charity with strategies of rights-based empowerment and bottom-up claim making. All of these developments offer today a much broader playing field for debating rights than the state-based framework prevalent in international relations.

A greater focus on non-state actors and their role in the transnational realm not only is about their growing role and importance, but also presents a realm for exploring how to “improve practice” in human rights promotion (p. 3). Looking more critically at these evolving forms of activism would have offered important examples of what works and does not work, in particular since we know today that effective promotion of human

rights raises crucial tactical and strategic questions well beyond debates regarding the justification of human rights. For example, such authors as David Kennedy (*The Dark Side of Virtue* [2004]), David Rieff (*A Bed for the Night* [2002]), and others have offered important critiques not of the human rights idea itself, but of the professional practices that have emerged as human rights have become a dominant norm in international affairs. Donnelly's book continues to emphasize questions of justification, while we witness today an increasing demand for "clear thinking" that focuses a lot more attention on what constitutes effective and defensible actions in advancing human rights (p. 3). In the case of humanitarian interventions, Donnelly offers a summary of the standard state-centric debates regarding the tensions between national interests and moral obligations, but leaves out the important controversies among civil society groups regarding the appropriateness of specific actions. Is indicting Sudan's president Omar al-Bashir advancing human rights and international justice, or does such action lead to more violations by further exposing vulnerable populations? When do organizations ostensibly dedicated to human rights, such as the International Criminal Court, actually advance human rights and when do they fail to do so? Or, what are the long-term risks of institutionalizing human rights promotion as a professional field and how do we ensure that human rights go beyond elite acceptance and actually take hold among the populace? The very success of human rights over the past decades has created new challenges that cannot all be answered by "the same basic arguments" that Donnelly has perfected since the first edition (p. x).

States will remain for the time being the "principal violator and essential protector" of human rights (p. 33). Donnelly provides a compelling perspective on how to advance human rights in a world of nation-states, but also offers readers persuasive evidence that defending human rights does not require us to outright reject

perspectives that deny the very existence of rights. Since the author announces a fourth edition in his preface, I hope that he will be able to then extend the discussion regarding the central role of non-state actors (including also corporations) as well as what makes rights efforts justified and how we should think about the means of effective rights promotion. Donnelly shows how to resolve debates between universalizing and relativist perspectives, but how do we translate those insights into ethical action that does not just claim to help the most vulnerable, but actually reflects their best interests?

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**Citation:** Hans Schmitz. Review of Donnelly, Jack. *Universal Human Rights in Theory and Practice*. H-Diplo, H-Net Reviews. November, 2013.

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