

KEY CONCEPTS

# HUMAN RIGHTS

MICHAEL FREEMAN



**FOURTH EDITION**  
FULLY REVISED & UPDATED

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# **Human Rights**

Fourth Edition

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# Preface to the Fourth Edition

‘These are the times that try men’s souls.’

Thomas Paine, *The American Crisis*, 1776

This is the fourth edition of a book about the concept of human rights in the social sciences. The third edition was completed in November 2016. In that month Donald Trump was elected President of the USA. Much has happened in society and the social sciences since then. President Trump has come and gone; President Biden has arrived. The UK has left the European Union. China’s rise has continued. Authoritarian populism has taken command in many countries, including Russia, India, Brazil, Hungary, Poland and the Philippines. Violent conflicts persist in Syria, Yemen, Myanmar and Mozambique. Climate change threatens disaster. New technologies threaten democracy. A pandemic is killing millions. Racial tensions are unresolved. These are hard times for human rights.

The concept of human rights has a complex relationship with the social sciences. The contemporary concept derives from the United Nations Charter of 1945 and the UN Universal Declaration of Human Rights of 1948, which gave rise to a vast body of international and national human-rights law. These were indebted to the concepts of natural rights and the Rights of Man proclaimed in the American and French revolutions of the eighteenth century. The social sciences emerged in the nineteenth century in reaction against those concepts, which they rejected as anti-social and unscientific. For decades after the UN revived the concept of human rights, the social sciences took little notice. After the rise of the human-rights movement in the 1970s, and the challenges to authoritarian rule in eastern Europe, Latin America, South Africa and

elsewhere, the social science of human rights began to wake up. The early social-science studies focused on US foreign policy and the impact of international human-rights law, and generally reached sceptical conclusions about both. Later studies reached more nuanced conclusions. Recently renewed scepticism about human rights has appeared with titles such as *The Twilight of Human Rights Law* (Posner 2014a) and *The Endtimes of Human Rights* (Hopgood 2013). A new generation of human-rights historians has challenged what they call the 'textbook' history of human rights, which they consider simplistic and triumphalist, and questioned long-term, 'deep' histories for underplaying the changing nature of rights-concepts.

This book is committed to the following propositions: 1) because the concept of human rights and the social sciences have different histories and rest on different philosophical assumptions, the relationship between them must be understood, in part, historically and philosophically; 2) because the human-rights movement and social science rest on deep assumptions that are problematic and rarely acknowledged, a 'deep' history that excavates these assumptions is necessary to clarify and evaluate them; 3) social science is necessary to evaluate the concept of human rights in theory and practice; 4) evaluating both human rights and social science requires an understanding of both their value and their limits.

This new edition covers the 'real world' of human rights up to the early days of the Biden presidency and the Islamist massacres in Mozambique. It takes account of the Black Lives Matter movement and the call to 'decolonize' the curriculum with a new emphasis on the complex historical relationship between human-rights liberalism, racism and colonialism. It responds to the claim that the concept of human rights is inadequate to deal, in theory or in practice, with issues of social justice in general, and those of the

global economy and neoliberal ideology in particular. It evaluates the current state of the international human-rights movement and the human-rights work of the United Nations. It locates the current state of human rights in contemporary concerns about a supposed crisis of liberal democracy and clarifies the misunderstood relationship of human rights to liberalism. It analyses the challenges for human rights of the environmental crisis, pandemics and new technologies. Finally, it assesses whether, faced with persistent violent conflict and gross human-rights violations in many parts of the world, social science exposes the concept of human rights as an illusory ideal or whether it gives us 'evidence for hope' (Sikkink 2017).

Michael Freeman  
May 2021

# 1

## Introduction

## Thinking About Human Rights

### Realities

Saydnaya prison is a military establishment near Damascus in Syria. Most prisoners are civilians: political dissidents, human-rights defenders, journalists, doctors, aid workers and students. Between 2011 and 2017, according to Amnesty International, some 13,000 prisoners were hanged in Saydnaya after having been tortured and deprived of food, water, medicine, medical care and sanitation. Before they were hanged, the victims were condemned to death in 'trials' which lasted between one and three minutes (Amnesty International 2017).

The prison at Saydnaya is the product of complex historical, political and economic processes. Syria was part of the Ottoman Empire from the sixteenth century until the defeat of the Ottomans in the First World War. After the war, the League of Nations awarded the mandate of Syria to France, which ruled it in effect as a colony. This arrangement lasted until the end of the Second World War, when a combination of Arab nationalism and France's defeat by Germany led to the establishment of the independent Syrian republic in 1950.

The new state was weak and the army, with its Ba'athist, nationalist ideology, carried out a coup in 1963 and repressed the opposition. In 1970 the Defence Minister, Hafez al-Assad, staged another coup. His corrupt and repressive regime sought to mobilize support by a cult of Assad's personality. Hafez al-Assad died in 2000 and was

succeeded by his son, Bashar al-Assad. Bashar's neoliberal economic policies benefited a minority while increasing inequality. When the democracy protests of the Arab Spring reached Syria early in 2011 the regime was vulnerable to widespread discontent.

On 6 March 2011, in the city of Daraa, some schoolboys scrawled anti-government graffiti on a wall. They were arrested and reportedly tortured. Protesters demanded the boys' release. The security forces responded with live ammunition, killing four. The protests escalated. The government released the boys. Further clashes between security forces and protesters took place with many more deaths. The protests spread to other Syrian cities.

Most Syrians are Sunni Muslim Arabs. Kurds comprise the largest ethnic minority. The political elite are mainly Alawites, a Shi'a Muslim sect. The regime has generally been supported by the religious minorities and the Sunni business class and opposed by secular liberals, most Sunnis and the Kurds.

As the conflict intensified, opposition demands turned from reform to revolution and the ouster of President Assad. Some called for armed resistance, others for non-violent protest; some pleaded for solidarity among all opponents of the regime, others emphasized religious or ethnic allegiances. The opposition consisted of secular liberals, defecting army officers, moderate Sunni, Kurds, and Sunni jihadis (religious extremists), some linked to Al-Qaeda or Islamic State (ISIS). At first the opposition pushed the regime forces back, but, as Iran, Hezbollah (Iranian-backed Shi'a militia) and Russia came to its support, the regime gained the ascendancy. Iranian support for the regime led Saudi Arabia to support the Sunni opposition. The USA fought ISIS and provided limited support for anti-Assad groups; the Kurds fought Assad and ISIS; Turkey

intervened to fight the Kurds and Assad; the secularists fought Assad and the jihadis; and the jihadis fought each other. The United Nations sought to provide humanitarian assistance and promote peace talks, but with limited effect. At the time of writing (4 May 2021), government forces were trying to reclaim the last rebel stronghold in Idlib province. More than 500,000 persons had been killed in the war and more than 12 million had become refugees (Kirby 2020).

Many people in many countries have been victims of state violence in recent times. During the rule of Idi Amin in Uganda from 1972 to 1978 more than 250,000 people were killed. The Khmer Rouge regime of Pol Pot in Cambodia is estimated to have killed between one-quarter and one-third of the entire population between 1975 and 1979. Hundreds of thousands of civilians were murdered by security forces in Iraq during the 1980s. In 1994 between 500,000 and 1,000,000 people were killed in the government-directed genocide in Rwanda. This list is far from complete. It does not include Latin America, Bosnia, Sudan, Sri Lanka, Myanmar, Yemen and elsewhere. It does not include atrocities committed by terrorist groups such as ISIS.

The concept of human rights provides a way of thinking about such events. As you read these words, there will probably be reports in the newspapers, on radio, television and the internet of similar cruelties and injustices. These are stories about the violation of human rights. These events are all too real, but 'human rights' is a *concept*. It is a device for thinking about the real and expressing our thoughts. If we are to understand the discourse of human rights, we must analyse this concept. It is, however, easier to respond with sympathetic emotion to stories like those of the Syrian people than to analyse our concepts so that they are clear, precise and coherent. The understanding of concepts is the goal of the philosophical discipline of



*conceptual analysis*. The concept of 'human rights', however, presents a challenge to this discipline. Concepts are abstract, and conceptual analysis is an abstract discipline. It can seem remote from the experiences of human beings. The analysis of the concept of human rights, therefore, must be combined with a sympathetic understanding of the human experiences to which the concept refers.

If conceptual analysis is both necessary and problematic for understanding human rights, so is statistical analysis. The late political scientist, Rudolph Rummel, calculated that governments murdered at least 169,202,000 persons in the twentieth century. According to his estimates, more than 45,000,000 political murders occurred between 1945 and the early 1990s (Rummel 1994: chapters 1-2). These statistics are important, but they can easily numb our sense of the human suffering involved. Human-rights violations are facts that can sometimes be best expressed in terms of numbers, but there is an uneasy relationship between our knowledge of the numbers and our understanding of what they mean.

We do not need the concept of 'human rights' to know and to say that these things are wrong. We do, however, need a reason to oppose them. If reality violates human rights, why should we take the side of human rights, and not that of reality? How do we know that there are any human rights? In a famous passage of his *History of the Peloponnesian War*, the Greek historian, Thucydides, relates a dialogue between the Athenians and the Melians, whom the Athenians sought to incorporate into their empire. When the Melians objected, the Athenians declared that 'the strong do what they have the power to do and the weak accept what they have to accept' (Thucydides 1972: 402). Power is real; rights are illusions.

For most people, most of the time, the virtues that matter are personal and narrow in scope. In everyday life, ordinary kindness is more important than human rights. Ordinary people, however, are sometimes not permitted an everyday life. They may be subject to arbitrary arrests, unjust imprisonment, torture and murder by government. The concept of human rights becomes relevant to ordinary people when the relative security of everyday life is absent or snatched away. Human rights are most needed when they are most violated. Where they are generally well respected, we tend to take them for granted, and may consequently underestimate their importance.

## Concepts

The concept of human rights is to a considerable extent, though not wholly, *legal*. Although the concept is arguably ancient (see chapter two), it first appeared on the international agenda when the United Nations Charter declared in 1945 that the UN was determined 'to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and of nations large and small'. The Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly on 10 December 1948. This declaration has had an enormous influence on international human-rights law and on the laws of many states with various political, economic and cultural characters. It was adopted in the aftermath of the victorious Allied war against Fascism, and in a spirit of idealism. The declaration was proclaimed to be 'a common standard of achievement for all peoples and all nations'. All human beings, Article 1 affirms, 'are born free and equal in dignity and rights'. Everyone, Article 2 states, 'is entitled to all the rights and freedoms set forth in this Declaration without

discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status’.

There is obviously a wide gap between the promises of the UDHR and the real world of human-rights violations. In so far as we sympathize with the victims, we may criticize the UN and its member states for failing to keep their promises. However, we cannot understand the gap between human-rights ideals and the real world of human-rights violations by sympathy or by legal analysis. This requires investigation by the various social sciences of the causes of political oppression. The UN introduced the concept of human rights into international law and politics. The field of international politics is, however, dominated by states and other powerful actors (such as multinational corporations) that have priorities other than human rights. It is a leading feature of the human-rights field that the governments of the world proclaim human rights but have a highly variable record when it comes to implementing them. We must understand why this is so.

The concept of human rights raises further difficulties because it stretches well beyond cases of extreme cruelty and injustice. Article 1 of the UDHR, for example, states that all human beings are equal in rights. Article 18 says that everyone has the right to freedom of religion. How should we define the right to freedom of religion of those whose religion denies that all human beings are equal in rights? How can we make sense of human rights if the implementation of some human rights requires the violation of others? Here the problem of implementing human-rights ideals derives, not from lack of political will or conflicts of political interests, but from the fact that human rights may not be ‘compossible’, that is, the implementation of one human right may require the violation of another, or the protection of a human right of

one person may require the violation of the same human right of another. If a religious group, for example, forbids its members, on the basis of its religious beliefs, to change their religion, then the religious freedom of the group will conflict with that of any members who wish to change their religion. If we support human rights that are not compossible, our thinking must surely be confused.

The problem of compossibility has been aggravated by what has been called 'rights inflation', that is, the extension of the concept of human rights to an ill-defined number of causes. There are controversial human rights even in the UDHR, such as the right to 'periodic holidays with pay', which some say is not 'universal' but limited to certain industrial societies. Courts may decide rather precisely the legal rights of those who appear before them. Human rights are rather vaguely worded, and their meaning is not always settled in courts of law. The determination of the meaning of human rights is a continuing social process that involves not only legal professionals (such as judges, UN experts and academic lawyers) but also various 'stakeholders' (such as governments, inter-governmental organizations, non-governmental organizations (NGOs), non-legal academics and citizens). If the concept of human rights is to be useful, we must distinguish human rights from the legal rights of particular societies, and from other desirable social objectives.

What are 'rights', and how do 'human rights' differ from other kinds of rights? The concept of 'rights' is closely connected to that of 'right'. Something is 'right' if it conforms with a standard of rightness. All societies have such standards, but it is often said that many cultures have no conception of people 'having rights'. The idea of everyone having 'human rights' is said to be especially alien to most cultures.

The idea that we 'have rights' is confusing because it implies that rights are 'things' that we could have as we have arms and legs. Rights are, however, not mysterious things, but justified claims or entitlements that derive from moral and/or legal rules. These moral and legal rules can be found in numerous treaties and laws, as well as in values shared by many, though not by all. The existence of human rights is grounded in the belief that human beings ought to be treated with a certain kind of respect. The problem of 'believing in' human rights is not whether or not they 'exist', but whether there are sufficiently good reasons for supporting them and seeking to implement them. This requires a justificatory philosophical theory of human rights (see chapter four).

## **The social sciences**

For many years after the adoption of human rights by the UN they were treated mainly by lawyers. In this period, social scientists neglected the concept, in part because, influenced by the social prestige of the natural sciences, they were wary of legal or moral ideas. However, the rise of the non-governmental human-rights movement and the increasing importance of the concept in national and international politics have brought about an ever-increasing literature in various social sciences. The explanation of variations in respect for human rights in different societies has become an object of extensive social-scientific investigation. It is sometimes said that gross human-rights violations – such as genocide – are 'irrational' and beyond scientific explanation. There is, however, a body of knowledge about state behaviour, ethnic diversity, repression, rebellion and social conflict that may explain a great deal about such actions. There is much controversy about theories and methodology in the social sciences, but

there is no reason why behaviour that violates or respects human rights should be less explicable than other complex social phenomena. Those who assert that the worst human-rights violations are inexplicable conflate extreme immorality with scientific unintelligibility.

For some human-rights academics and activists, the discourse of human rights is primarily legal and technical, and lawyers properly play a leading role in the field because they are the technical experts. The legal approach is attractive because human-rights law appears to provide objective standards that protect the concept of human rights from moral and political controversy. This appearance is, however, illusory, for the meaning and application of human-rights standards are legally and politically very controversial. International human-rights law is made, interpreted and implemented by governments that act from political motives. NGOs, which have come to play an increasingly important role in the making of human-rights law, monitoring its implementation and campaigning for improved human-rights performance by governments, are political actors, even if they appeal to legal standards. Important human-rights advances and setbacks – such as the replacement of dictatorships by democracies in many countries at the end of the twentieth century, or the rise of authoritarian populism in recent years – have been primarily political events.

Just as social scientists, with their aspiration to be scientific, neglected human rights until recently, so too the academic discipline of international relations showed little interest in the idea, since the discipline was concerned with states and their relations with each other, to which human rights were considered to be at most marginal. An influential theory was that of Realism, which has been primarily concerned with the interests and power of states rather than with such ethical issues as those of human

rights. But as human rights played an increasing role in real international relations, so it entered the academic discipline. Some international relations scholars have challenged the Realist school by emphasizing the role of ideas in general, and of human-rights ideas in particular, in international politics, and there are several alternative theoretical approaches in the field (Jackson, Sørensen and Møller 2018). Realism, however, still presents a strong challenge to human rights (Donnelly and Whelan 2020: 40-2).

There are two principal alternatives to the legal conception of human rights. The first conceives of human rights as fundamental moral rights and then proceeds to consider that they may need legal and/or political protection. The second holds that human rights are political constructions and do not derive from any particular moral philosophy. International human-rights law is concerned primarily with the obligations of governments and the rights of citizens. Political theory is the discipline that seeks to explain and evaluate the relations between governments and citizens. Political science is the discipline that describes and explains the variations in the degree to which governments respect their citizens' rights. Political scientists have studied human-rights issues with the use of related concepts such as 'dictatorship', 'totalitarianism', 'authoritarianism', 'repression', 'state terror' and 'genocide'. There is also much work in political science on democracy that is relevant to understanding the current state of human rights. For some time the desire of political scientists to be 'scientific' led them to neglect a concept that appeared to be at worst moralistic, and at best legalistic. Much recent work has rectified this neglect.

The Western tradition of political theory has produced many formidable critics of such rights (see chapter two). This presents a strong challenge to the political science of

human rights, especially since the classical critics are echoed by contemporary theorists. Underlying any social science of human rights, therefore, are a number of controversial philosophical assumptions. This does not, however, distinguish the social science of human rights from other branches of social science, such as the politics of democracy or the sociology of inequality. Nevertheless, it requires the social scientist of human rights to be aware of these philosophical controversies.

There have recently been increased contributions to human-rights studies by sociologists and anthropologists. The impact of the global economy on the protection of human rights has also increasingly become a subject of study. This has been accompanied by an interest in 'the human-rights movement' as a transnational social movement. The social science of human rights has therefore picked up momentum.

## **Beyond human-rights law**

International law was traditionally concerned with regulating the relations among states with the primary aim of maintaining international peace. The leading concept of this project was that of state sovereignty, which forbade states from interfering with each other's internal affairs. The UN introduced the concept of human rights into international law without altering the concept of sovereignty. This legal framework is, however, subject to intense political pressures, as states and other actors seek to realize their interests and their principles in the international arena. The implementation of human rights by the UN is, therefore, highly politicized, and this leads to selective attention to human-rights problems, political bargaining, and limited implementation of human-rights standards. The UN is not a utopian realm above politics,



and the political character of human-rights implementation is unavoidable. The politics of human rights is not, however, always harmful to human rights, for governments may raise genuine human-rights issues from self-interested political motives, and, when political motives lead to a narrow and selective concern for human rights, appeals are sometimes made to human-rights principles that can be applied more widely.

The implementation of the UN's human-rights principles was delayed for many years by the Cold War between the democratic, capitalist West and the authoritarian, Communist East, and by disagreements between the West and the new, postcolonial states. The UN proclaimed human rights but did little to implement them. The cost of proclaiming human rights is low, and many governments thought that they had much to lose by respecting the human rights of their sometimes highly discontented citizens. What is at first sight surprising is the development, albeit slow, of international human-rights law, and of a movement of NGOs to campaign for its implementation. In this situation, the UN stood in an ambiguous position. It was, on the one hand, the author and guardian of international human-rights standards while, on the other hand, it was an association of governments that were often serious human-rights violators. The UN has, therefore, been the central institution where international human-rights law and politics meet, and often clash, and where the gap between human-rights ideals and realities is especially apparent.

The political character of human rights has philosophical implications. The lawyers who have played a leading role in human-rights studies have sometimes relied, explicitly or implicitly, on the philosophy of legal positivism, which says that human rights are what human-rights law says they are. Human rights are, however, made and interpreted by a

political process. The provisions of the UDHR were the subject of intense debates, and the final text was produced by a long series of votes. It is politically important that human rights have been codified in international and national law. It would be a mistake, however, to believe that the legalization of human rights takes the concept out of politics.

The legal-positivist approach to human rights not only misrepresents their character, but also has dangerous implications. The point of human rights has historically been to criticize legal authorities and laws that violate human rights. Legal positivists sometimes say that the only rights are those that are legally enforceable. It may be desirable that human rights should be legally enforceable, but it is not necessary that they should be so. The concept of human rights implies that they are often not. If human rights were legally enforceable, one could, and normally would, appeal to one's legal rights, and would not need to appeal to one's human rights. Human rights are available when legal rights fail. Human rights may be, and often are embodied in positive law, but an important function of human rights is to enable the criticism of unjust legal systems.

The principal philosophical problem of human rights is to show how they can be justified if they derive neither from law nor culture, both of which can be criticized on the ground that they violate human rights. There is an historical reason why there is a problem about the 'source' of human rights. The first systematic human-rights theory, proposed by John Locke in seventeenth-century England, assumed that God was the 'source' of human rights. Locke could assume agreement with and among his readers that this source provided the ultimate validation of such rights: God was the source both of what exists and of value. The problem faced by the United Nations in proclaiming the

UDHR was that, precisely because it claimed that these rights were universal, it could not base them on any particular religious belief. The justificatory basis of human rights had to be abstracted from particular religious and ideological beliefs, but the character of that abstraction was not clear. The UDHR says little about the source of these rights, apart from some large and unsubstantiated claims in the preamble that recognition of human rights is 'the foundation of freedom, justice and peace in the world', and that disregard for human rights has resulted in 'barbarous acts which have outraged the conscience of mankind'. These claims may contain important truths, but they do not give a clear account of the source or justification of human rights.

The idea of the 'source' of human rights contains an important and confusing ambiguity. It can refer either to the social origins or to the ethical justification of human rights. Social scientists have studied the social origins of rights in, for example, popular political protest, and, important though such studies may be for an historical understanding of the discourse of rights, we must be careful not to conflate social origins with ethical justifications, since there are social origins of evil as well as of good. The social-scientific approach to rights, by its preference for avoiding ethical questions, sometimes falls into this confusion. There are, therefore, two distinct questions about the 'sources' of human rights that we need to answer. Why do we have human rights? Why ought we to have human rights?

Another set of philosophical questions concerns the relations between human rights and other values. Do human rights occupy the whole space of moral and political theory, or are there other important values? If there are other important values, how are human rights related to them? The UDHR claims that human rights are the

foundation of freedom, justice and peace, but does not say how these values are related, conceptually or empirically. It is important to determine as clearly as possible the limits as well as the value of human rights. It is common to say that human rights establish minimum standards of good government. Claiming too much for human rights may make it harder to defend them against their critics, and thereby weaken their appeal and effects. We need to be clear, therefore, whether the concept of human rights supports a comprehensive or a minimum-standards political philosophy.

There is a huge gap between the experiences of the Syrian people since 2011 and those of human-rights lawyers, activists and academics. This gap has been filled to a large extent by law and legal studies. These studies are certainly important. The gap is, however, also filled by politics, and by social, cultural and economic forces. These may be more important, but they were until fairly recently neglected in academic discourse. The aim of this book is to make a contribution to rectifying this imbalance.

## **Conclusion**

Until recent years the study and, to a considerable extent, the practice of human rights was dominated by lawyers. The cause of human rights owes a great debt to them. There is a danger, however, that excessive attention to human-rights law distorts our understanding of human rights. This book seeks to put law in its place by adopting an interdisciplinary approach. The concept of human rights has a history marked by philosophical controversies. Knowing that history and understanding those controversies illuminate the state of human rights today. Since the end of the Second World War, the concept has been incorporated into a large body of international and

national law, but it has also been at the heart of political conflicts. The law is important, but understanding human rights requires us to understand its politics. Law and politics do not exhaust the human-rights field. The other social sciences – such as sociology, anthropology, international relations and economics – are essential to our appreciation of human-rights problems and their possible solutions. Human rights is an interdisciplinary concept *par excellence*.

We begin this inquiry by tracing, in chapter two, the historical emergence of human rights. The story continues in chapter three by examining its gradual acceptance by the international community. Chapter four investigates the principal theoretical justifications of and debates about the concept. The distinctive contribution of the social sciences is then surveyed in chapter five. In chapter six the place of human rights in national and international politics is analysed, and the respective roles of international institutions, governments and NGOs evaluated. The political economy of human rights forms the subject of chapter seven, with special attention to development, globalization, business corporations, international financial institutions, climate change, new technologies and pandemics. Much-debated questions about the supposed universality of human rights and its relation to actual human differences are addressed in chapter eight, with particular emphasis on cultural minorities, indigenous peoples, and the rights of women, children, sexual minorities, disabled persons, migrants and refugees. We conclude, in chapter nine, with reflections on the history of human rights, their current status and their likely future. One of the few certainties is that understanding human rights will be essential to understanding the world that we live in for a long time to come.

## 2

### Origins

## The Rise and Fall of Natural Rights

### Why history? Which history?

Human rights are universal. History relates change. Human rights have a history. The contemporary concept of human rights is a product of that history, but how can a universal concept have a history of change?

The history of human rights itself has a history, which is controversial. Recently, a new generation of historians of human rights has challenged what they call the 'textbook' history. This history, according to its critics, is a triumphalist story of progress from superstition and cruelty to rationality and humanity. It is located primarily in Europe and North America, and is consequently a tale of the inevitable triumph of Western liberalism. The story is rendered more plausible by marginalizing the historical connections between liberal rights and colonialism (Halme-Tuomisaari and Slotte 2015).

Samuel Moyn has argued that the 'deep history' of human rights, tracing the contemporary concept back to the eighteenth century and beyond, is false. The concept of human rights, on his account, refers to a global morality that became significant only in the 1970s. Earlier conceptions of rights were addressed to different problems and thus had different meanings. For example, the eighteenth-century French revolutionary concept of the Rights of Man affirmed the sovereignty of the nation-state, whereas the concept of human rights seeks to constrain state sovereignty by appealing to a normative order above