

Hoffmann, Stefan-Ludwig (Hrsg.): *Human Rights in the Twentieth Century*. Cambridge: Cambridge University Press 2011. ISBN: 978-0-521-14257-1; 351 S.

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When Winston Churchill held his pivotal speeches of 1946 in Fulton and Zurich, in which he introduced the metaphor of the Iron Curtain and coined a new understanding of a United States of Europe, he did not mention human rights. He did not even come close to think about it, one might presume. After all, he held these speeches in March and September 1946. And human rights – despite Roosevelt’s exclamation about the ‘supremacy of human rights everywhere’ in 1941 – had not surfaced as a hegemonic concept able to frame a new international order yet. To be sure, the United Nations were founded and in the Charter from June 1945, human rights figure prominently, yet they had only just surfaced then. But they would soon gain hegemonic meaning. As we learn by reading Glenda Sluga’s contribution to the edited volume „Human Rights in the Twentieth Century“, René Cassin, one of the key figures in drafting the Universal Declaration of Human Rights from December 1948, arrived in New York to begin the work on the document in January 1947 to join Eleanor Roosevelt and her intellectual consultants, Peng-Chun Chang and Charles Malik, whose non-European background made Cassin wary at first. Human rights had not yet become the official key word for a new global imagination. The intellectual and political pendulum swung towards human rights between 1944 and 1945. As one of the most prominent legal philosophers of the time, Hans Kelsen, put it in 1950: „No other subject matter is so often referred to in the Charter [of the UN from 1945] as the human rights and freedoms. They were not mentioned at all in the Dumbarton Oaks Proposal [for the Establishment of a General International Organization from October 1944, HSF]“.¹

When Churchill addressed the plenary of the Congress of Europe in The Hague on 7

May 1948, he did so with the new vocabulary of human rights which had been installed as the ultimate normative keystone for a new global order among the Western political and intellectual elite. This new vocabulary allowed for the construction of a forward-looking positive discourse, as well as the nostalgia of a good European past under the umbrella of a new global order. Churchill said that the common morality and spirit of Europe is „inspired by a sense of mission. In the centre of our movement [for European integration, HSF] stands a charter of human rights, guarded by freedom and sustained by law.“² Within only two years, the conceptual framework of international organizations and global imagination had changed significantly. Mark Mazower’s contribution to the book illustrates the function of the concept as an umbrella concept over the ruins of self-determination, civilization and the civilizing mission.³

Human rights have not played an equally important normative role throughout history; neither have they been stable in their meaning. This contested nature of human rights is the methodological approach of Stefan-Ludwig Hoffmann’s edited volume on „Human Rights in the Twentieth Century“. Understanding the role key concepts play as the *doxa* of society, as meanings that are „tacitly accepted as naturally given“ (p. 25), in an open-ended non-teleological historical process underpins this collection of essays that display impressive depth of scholarship and combine in their best cases a high theoretical reflection with sound archival research.⁴ Hoffmann tackles a sensitive subject by his

¹ Hans Kelsen, *The Law of the United Nations: A Critical Analysis of its Fundamental Problems*, New York 1950, p. 33.

² Churchill, Winston, ‘Speech in Plenary Session of the Congress of Europe’, 7 May 1948, in: *Verbatim Reports I, Plenary Sessions, Strasbourg, Archives of the Council of Europe*, 1948.

³ A critical viewpoint he develops further in: Mark Mazower, *No Enchanted Palace. The End of Empire and the Ideological Origins of the United Nations*, Princeton 2009.

⁴ Inspiration for the approach came through the work of the Finnish legal philosopher, Martti Koskenniemi and his work. See Martti Koskenniemi, ‘International Law and Hegemony. A Reconfiguration’, in: *Cambridge Review of International Affairs* 17(2) (2004), pp. 197-218; and *Gentle Civilizer of Nations: The Rise and Fall of*

toricizing one of the key concepts of Western self-understanding. There is an important difference, however, in consciously choosing to follow the ethics and norms inherent in the human rights concept and in knowing that conceptual orders are constructed through agency in history, that they are fragile, and that they are prone to run into moments of conceptual insecurity when their role and their meaning are shifting. Human rights are not a cultural essence automatically possessed by the West (or indeed by all human beings), but a normative standpoint that undergoes semantic changes and needs to be nurtured by active invocation and agency.

Hoffmann introduces his highly important and recommendable volume with a chapter that is more than a mere introduction. It aims at providing a comprehensive and sophisticated historical framework for the study of human rights in history. At the same time, these reflections are somehow at odds with the chapters that follow. Hoffmann twice introduces a four point framework for the history of human rights: four points for the history of human rights from 1800 to 1945 (Slavery, humanitarianism, Empire; Constitutionalism and Citizenship; International Law; Nation States, Minorities, and Genocide) and four points for the history unfolding after 1945 (Cold War Contestations; Decolonization and the Internationalization of Rights; Global Hegemony and the New Humanitarianism; the Demise of Communism). Confusingly, these categories are not related to the organization of the book, which follows a quite different structure of five parts: The Emergence of Human Rights Regimes; Postwar Universalism and Legal Theory; Human Rights, State Socialism, and Dissent; Genocide, Humanitarianism, and the Limits of Law; Human Rights, Sovereignty, and the Global Condition.

The first part assembles fascinating pieces by Mark Mazower, G. Daniel Cohen and Mikael Rask Madsen. They illustrate the conceptual evolution of the concept in the middle of the twentieth century (Mazower), the frustrating, at time hypocritical yet path-breaking „human rights revolution“ of the postwar refugee problem and the issue of who can claim rights from whom (Cohen), and the im-

pressive uphill struggle of practicing human rights at the European Court of Human Rights in Strasbourg (Madsen).⁵

The second section maintains the high standards. Samuel Moyn produces a cliff hanger account of how human rights were uncoupled from the original early-to-mid twentieth century doctrine of conservative Christian personalism and became recoupled with the European left by the 1970s (and the cliff hanger is that he refrains from fleshing out this story here). Glenda Sluga and Lora Wildenthal follow up with reflections on the role and historical context of two prominent actors in the human rights circle in the postwar era, René Cassin and Rudolf Laun to illustrate how complex, contested and confusing the meaning and practice of human rights have been and still are.

Section three deals with the role of human rights in Eastern Europe and the Soviet Union. Jennifer Amos, Benjamin Nathans and Celia Donert exemplify this through the Soviet Union's simultaneous embrace and contestation of the concept in the early postwar period (Amos), the Soviet approach to rights in the period following Stalin's death in 1953 (Nathans), and the even more complicated case of the Roma's position as a minority nation within Czechoslovakia during the drafting and the aftermath of the Charter 77 movement (Donert). Especially Donert's piece highlights one downside of the volume: The cases are so relevant that one wants to know more. The way human rights have framed Roma agency and their place in the normative framework of the European Union after the end of the Cold War has become a case of ever-increasing complexity and relevance. This wish for more continuation of

International Law, 1870-1960, Cambridge 2002.

⁵Madsen's very enthusiastic account of the European will to have their own human rights regime in the form of the ECHR needs to be put into a slightly less triumphant historical perspective, however. He is right to point out that, once the court was in place and had actual binding functions, it began its long work as a normative point of orientation in Europe. For a closer look at the complex and narrow negotiations in the Council of Ministers that brought it about, see my 'Before Integration: Human Rights and Postwar Europe', in Menno Spiering / Michael Wintle (eds.), *European Identity and the Second World War*, Basingstoke 2011, pp. 37-54.

some of the case studies illustrates one more slightly confusing element of the book: All chapters deal with the period of the 1940s to the 1970s, some exclusively with the 1970s. Yet the book proposes a history of the twentieth century. One wonders why the period from the 1980s until today does not figure more prominently. Furthermore, the claim to write a history of the twentieth century is at odds with Hoffmann's own periodization of 1800-1945 and 1945-today.

The last two sections entail the role of human rights in cases of war crimes and genocide, and a final section that gathers African perspectives, Chile and the International Labour Organization simply under the heading 'global condition'. While the articles are just as fascinating as the ones preceding them, the sections do not really hold. Devin O. Pendas' fundamental reflections on the efforts at building an International Criminal Court could well have deserved to be part of the section on the emergence of human rights regimes since after all, such a criminal court was installed in the 1990s. The other two essays of the fourth section could well have been part of a larger section dealing with global perspectives; and it would have made the part on the global look less like a scatter bag at the end of the volume. Fabian Klose's reflections on the wars of decolonization indeed tell a global story of an effort at maintaining colonial domination in the face of appalling human rights conditions in the overseas territories. He shows how the colonial conditions and human rights abuses led to UN Resolution 1514 that demands the granting of independence to the colonies. Dirk Moses takes a trial for Pakistani soldiers in Bangladesh as a starting point for reflections on and comparisons with genocides globally as well as the role of the UN.

In the final section, Jan Eckel deals with the case of human rights activism against Chile and retells a story of how human rights agency developed its techniques of campaigning and agenda setting, changing human rights politics significantly, while being not at all coordinated or in agreement about their goals. Daniel Roger Maul follows the International Labour Organization and its embrace of human rights. He concludes that

the ILO was and still is an important actor in the field of human rights because it was able to install itself as a global point of reference for human rights standards. Andreas Eckert is the only one to present a case study in which human rights are not somehow a success story. He shows how human rights were treated by African actors in similar ways to other Western concepts; they were appropriated by claiming their validity for Africa and yet they also antagonized many African actors because of their smell of European superiority, yet again. Finally, human rights had a negligible role to play within the gatekeeper states of decolonizing Africa when African leaders cared for themselves and their families and close circles, and when the Western powers cared more about security and access to resources than rights in Africa. A more critical attitude towards the moral agency involved in NGO work and human rights agency could have added some salt to other chapters as well.

Hoffmann's collection of essays is worth the pre-published praise it proudly displays on its back cover. While it would have been more appropriate to simply call the book a global history of human rights from the 1940s to the 1970s, the long-lasting merit of the volume is that it for the first time looks at human rights not only from a historical perspective, but from a conceptual one as well by highlighting the fact that human rights themselves are not universal, they allow claims on universality. It puts its focus on the changing meanings, contexts and performances of human rights rather than telling a triumphant story of a good universalism able to unite the globe. That may be so, but it is not a given as we learn from Hoffmann and his illustrious rose of authors.

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