

Book review I Rescuing Human Rights - Making the case for a reassessment of the scope of human rights advocacy

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"With *Rescuing Human Rights: A Radically Moderate Approach*, Hurst Hannum makes an important and timely contribution to a necessary stocktaking by the global human rights movement", writes Peter Splinter.



Hurst Hannum, [*Rescuing Human Rights: A Radically Moderate Approach*](#), Cambridge University Press, 2019. 223 pp.

Hannum argues the case for a hard-headed reassessment of what human rights are and what they can achieve, done with the aim of preventing unrealistic expansion or overreach that undermines their legitimacy and universal acceptance.

Hannum expresses a firm conviction in the durable value of human rights. He brings to *Rescuing Human Rights* a lifetime of rich and diverse experiences as an observer, teacher and practitioner of human rights in numerous capacities and settings. While conservative, Hannum's thesis does not hark back to a golden age of human rights. He recognises that human rights law has evolved and will continue to evolve. He also accepts that "pushing the envelope of human rights norms may sometimes be a legitimate [advocacy] tactic."

Hannum's principal concern is with human rights 'overreach' – efforts to resolve contentious political issues by trying to make them into technical human rights matters that they are not. He is not a fan of a widespread inclination to advocate for human rights of the next good cause.

"Attempting to regulate ever more narrow slices of life under ever more diverse circumstances through promoting new human rights runs a serious risk of undermining both the legitimacy of human rights and their universality. The result may be to simply expand the number of rights that are routinely ignored rather than to bring real help to those whose rights, no matter how narrowly construed, are already being violated." (p. 79)

He perceives that human rights activism based on an expansive concept of rights as the primary means to effect domestic social and political change is feeding a global backlash against human rights. He is concerned that this will undermine the legitimacy and effectiveness of human rights advocacy to protect universally recognised rights, which "facilitate the development and influence of other socio-economic-political-moral change agents in ways that are likely to respond to the needs of most people of the world." (p. 10) While acknowledging that human rights are inherently political, as they constrain government behaviour, Hannum suggests that the more that human rights advocacy approximates politics, the less rights will be able to effectively set the boundaries for the open, inclusive, democratic politics required to effectively address major contemporary social, political and economic issues by ensuring that political decision-making takes account of the needs and preferences of all relevant parts of society.

"This book is an appeal for radical moderation, which values and promotes human rights norms without distorting or deifying them. ... Underlying many of the book's arguments is the belief that human rights cannot provide dispositive answers to all of the world's problems, although they may be a necessary precondition for resolving many of them." (p. 157)

Rescuing Human Rights focusses on human rights as universal legal norms embodied in public international

law, particularly universal and regional treaties. Hannum assumes a universal consensus over the core content and legitimacy of most human rights. He distinguishes human rights from moral and political standards, while acknowledging their complementarity as forces that shape societies.

While *Rescuing Human Rights* discusses human rights primarily as they are shaped and invoked at the international level, Hannum emphasises that they are applied in national contexts where the relationship of the State and rights-holders is played out. Human rights promotion and protection are essentially a national project that is shaped and constrained by national governments' voluntary acceptance of universal legally binding human rights standards. An important chapter is devoted to arguing for flexibility in the application and prioritisation of human rights norms on the grounds that universality is not uniformity. This recognition points to the need for further examination of Hannum's thesis in specific national contexts. Are the dangers of human rights expansion and overreach at the international level mirrored by developments at the national level in individual countries?

Rescuing Human Rights focusses largely on what human rights are not and should not be made out to be. Hannum's thesis would also benefit from further exploration of how human rights can be used better to contribute to efforts to address major contemporary social, economic and political issues at the international and national levels. If one accepts that human rights cannot determine the outcomes for issues such as development, climate change and corruption, then what are the contributions that specific rights make in specific contexts to political, economic, cultural, moral and technological efforts to meet those and other challenges? Any recalibrating of human rights promotion and advocacy in accordance with the approach Hannum proposes would benefit from robust exploration of the important contributions that human rights do and can make, such as ensuring that climate change policies are developed in consultation with representatives of all persons whose rights might be affected and have regard to their human rights impacts, including for the most marginalised communities and groups.

Today, while human rights are increasingly invoked in connection with efforts to address a growing range of global and national challenges, they are also increasingly flouted or questioned in many parts of the world. This includes in some countries where until recently human rights appeared largely beyond challenge. Many governments are demonstrating a renewed brazenness in violating their international human rights obligations. In many countries, there is widespread apathy, popular disillusionment and even hostility for human rights. This current state of human rights has led to calls from civil society organisations, academics, governments and inter-governmental organisations for urgent stocktaking about what is to be done to defend and reinforce the post-1945 human rights achievement. Some call into question the human rights project, and others call for its reinvention. Some appeal to humanity's better angels, and others buckle down on business as usual. Some pursue novel organisational approaches to human rights advocacy, and others look to human rights to provide solutions for ever more matters of concern.

The way forward is not clear. However, Hannum's lucid argument for greater focus and humility in recourse to human rights and his call for the recalibration of the scope of human rights advocacy should form part of any discussion about the future of human rights. *Rescuing Human Rights* merits reading and reflection by all who study, defend or promote human rights.

Peter Splinter is an international human rights consultant and was Amnesty International's Representative in Geneva from 2004 to 2016. Follow him on Twitter at [@pgsplinter](https://twitter.com/pgsplinter).

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