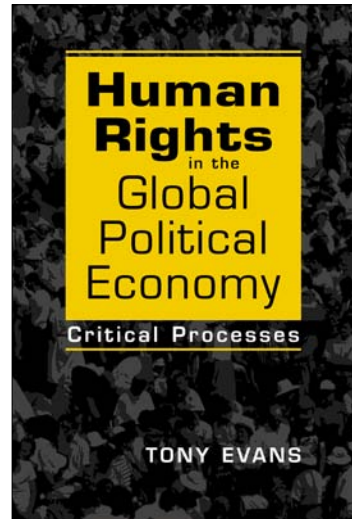


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# Human Rights in the Global Political Economy: Critical Processes

Tony Evans

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telephone 303.444.6684

fax 303.444.0824

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# Introduction

In 1986 John Vincent published *Human Rights and International Relations*, a work that sought to “bring together in one place an account of the theory of human rights, an examination of the part they play in international relations; and finally, a view of the part they ought to play.”<sup>1</sup> The scholarly importance of Vincent’s work was immediately recognized and continues to attract attention today. However, since Vincent’s book was published, significant changes have occurred, in both the practice of international relations and the academic discipline of international relations, that Vincent could not have foreseen. In the conduct of international relations, a number of events—the end of the Cold War,<sup>2</sup> the impact of globalization,<sup>3</sup> the growth of social movements,<sup>4</sup> changes in international organization for the protection of human rights,<sup>5</sup> a deepening interest in the politics of humanitarianism<sup>6</sup>—contextualize human rights in ways unimaginable in the early 1980s. Similarly, at the level of the discipline of international relations, the recent literature on feminism,<sup>7</sup> poststructuralism,<sup>8</sup> globalization,<sup>9</sup> and neo-Marxism,<sup>10</sup> together with the introduction of aspects of anthropology,<sup>11</sup> sociology,<sup>12</sup> political geography,<sup>13</sup> and legal theory, has broadened the scope of the debate on human rights.

Within the literature generated by commentators, practitioners, and students of human rights, there is a significant and growing level of critique. The distinction between criticism and critique is important here. While criticism is confined to arguments about particular theories, philosophies, beliefs, ideologies, and regimes, critique is more concerned with investigating the ways in which these claims to truth are achieved, legitimated, and presented as the authoritative guide for action. If criticism can be thought of as part of a technical debate, intended to refine particular truths, then critique is concerned with the “politics of truth” itself.<sup>14</sup> As such, critique is concerned with exposing the interests served by the production and maintenance of particular truths, and the processes that enable some forms of knowledge to be accepted as complete and legitimate, while other forms are labeled partial and suspect.

The literature on human rights has always included considerable criticism aimed at organizational and legal issues, in an attempt to improve the quality of implementation and legal rules. More recently, however, the very idea of human

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rights, together with the principles that underpin current institutional measures created for the protection of human rights, have been subjected to critique. Theorists from many cultural traditions have suggested that the conceptual basis upon which the global human rights regime is built cannot any longer sustain its claim as representing a “truth” to which all peoples should subscribe. This growing attack on a commitment to human rights is motivated by changes in the socioeconomic global order that we commonly term globalization. In particular, technology has enabled faster and more frequent exchanges of ideas, often with those who in the past would not have found a voice. Whereas in the past developments in human rights might have been considered the preserve of developed capitalist states—a one-way street through which the civilized sought to channel morality to the uncivilized—today the cacophony of voices from different cultures, legal systems, polities, and social and class backgrounds impacts on the way we approach all social issues.

The changes wrought by globalization suggest that it is now timely to reassess the project of human rights as an aspect of global politics, rather than the narrower field of international relations that provided the focus for Vincent’s work. This book is therefore concerned with bringing together in one place critiques that challenge the dominant theory and practice of human rights. It begins with an examination of recent critiques of the concept of human rights and then moves to critique current practices for the protection of human rights, before finally looking to the future of human rights as a process.

Chapter 2 looks at the ways globalization has eroded the foundations upon which the formal human rights regime is built. Chapter 3 examines theoretical challenges to the dominant theory of human rights emanating from recent developments within Western political thought: postmodernism, feminism, and neo-Marxism. Chapter 4 looks at alternative views of human rights from cultures that are only now finding a voice in human rights talk. In particular, the chapter examines the claims of Islam, Confucianism, and Asian values. Chapter 5 looks at the place and status of human rights within the global political economy, particularly the role played by human rights within the policymaking processes of the World Bank, the International Monetary Fund, the World Trade Organization, and transnational corporations. Chapter 6 argues that if the processes of globalization have changed the nature of sovereignty, as globalization theory argues, then the centrality of the state as the guardian of human rights is in question. Whereas in the past it was assumed that the state was responsible for protecting the rights of its own citizens, the increasing potential for penetrating state borders through cultural, economic, social, and political interactions makes this claim less secure. Moreover, if state sovereignty is transformed under conditions of economic globalization, then the state-centric institutions created to support human rights—international law, for example—may be inappropriate for securing human freedom and dignity.

Recent changes in institutional arrangements for the protection and promotion of human rights provide the focus for Chapter 7. The creation of the In-

ternational Criminal Court (ICC) and the replacement of the Commission on Human Rights with the Human Rights Council are hailed by some commentators as a sign of further progress. However, the Human Rights Council has already received considerable criticism for its political bias and its propensity to support regional partners no matter their human rights record. Similarly, the early years of the ICC have attracted criticism from those who see its operation as biased toward particular interests. Chapter 8 is concerned with the use of human rights as resistance to the march of globalization. It concludes that in the current struggle between conservatives and radicals—where conservatives seek to present human rights as the moral justification for free market capitalism and radicals as a justification for resisting the social consequences of that system—the dominant view remains that of the conservatives.

The distinction between conservative and radical approaches to human rights remains important in Chapter 9, which casts human rights as a political process rather than an end point defined through the tradition of natural rights. It points to the dynamics of world order and the need to accept that human rights demand continuous reflection and renegotiation if we are to take rights seriously. The never-ending struggle over rights therefore remains central to historic processes of social, political, and economic change.

Before beginning, it is worth stressing three things that this book is not about. First, it is not an attempt to deal a death blow to the whole idea of human rights, although at times this might suggest itself to the reader. Rather, the arguments presented here suggest that in a globalizing world order, the need to create a set of values that protect the dignity and rights of human beings is, if anything, more urgent than ever. That does not mean, however, that the contemporary idea of human rights, which has achieved the status of “common sense” in the minds of many academic and policymaking circles, should continue to proclaim its “truth” in the age of globalization. Nor does this suggest that the current institutions for human rights will serve in the future. Indeed, the social, economic, cultural, and political context of globalization brings changes to all aspects to people’s lives that cannot be ignored. Human rights are no different in this respect. What this suggests is the need to stimulate political processes that engage with the new order as it emerges and touches the lives of all humankind.

And this leads to the second thing that this book is not about. It is not about constructing arguments in favor of a particular alternative to current human rights thinking. In an age of rapid change, it is more important to engage with processes that seek to explore alternatives than to establish new sets of values and principles that are quickly outmoded. There is, therefore, no missionary zeal within these pages, if that phrase implies an attempt to tear down the existing order of human rights and to replace it with another. Rather, what is argued is the need to recognize processes of change that make past ideas, values, and principles redundant in the contemporary age. While this approach is well understood by those who accept recently developed theories of globalization,

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it will, of course, offend those who still cling to the idea of human rights as a natural attribute of humankind that transcends time and space.

Finally, I make no apology for focusing on critiques of the idea of human rights and its associated institutions without reference to, or analysis of, the achievements often proclaimed in the literature. The existing literature cannot be accused of failing to identify shortcomings in the international human rights regime or of lacking courage in offering helpful suggestions for improvements. However, most authors accept the values and principles upon which the existing regime is built, assuming that all the great normative, institutional, and multicultural questions on human rights are now answered, even though some details remain undecided. Rather than engage in problematizing human rights within the context of the contemporary socioeconomic global order, the ethos of most publications is more concerned with celebrating the triumph of the idea. When the literature does nod in the direction of critique, it is often done in a manner suggesting that the author is merely fulfilling an academic or professional obligation to acknowledge alternatives.<sup>15</sup>

#### Notes

1. R. J. Vincent, *Human Rights and International Relations* (Cambridge, UK: Cambridge University Press, 1986), p. vii.

2. Issa Shivji, "Constructing a New Rights Regime: Promises, Problems, and Prospects," *Social and Legal Studies* 8, no. 2 (1999).

3. David Held et al., eds., *Global Transformations: Politics, Economics, and Culture* (Cambridge, UK: Polity Press, 1999).

4. Neil Stammers, "Social Movements and the Social Construction of Human Rights," *Human Rights Quarterly* 21, no. 4 (1999).

5. Tom J. Farer, "Restraining the Barbarians: Can International Criminal Law Help?" *Human Rights Quarterly* 22, no. 1 (2000).

6. Nicholas Wheeler and Tim Dunne, "Good International Citizenship: A Third Way for British Foreign Policy," *International Affairs* 74, no. 4 (1998).

7. V. Spike Peterson and Laura Parisi, "Are Women Human? It's Not an Academic Question," in *Human Rights Fifty Years On: A Reappraisal*, ed. Tony Evans (Manchester: Manchester University Press, 1998).

8. Richard Rorty, "Human Rights, Rationality, and Sentimentality," in *On Human Rights: The Oxford Amnesty Lectures*, 1993, ed. Stephen Shute and Susan Hurley (New York: Basic Books, 1993).

9. Jan Aart Scholte, "Towards a Critical Theory of Globalization," in *Globalization in Theory and Practice*, ed. Eleonore Kofman and Gillian Young (London: Pinter, 1996).

10. Stephen Gill, "Globalization, Market Civilisation, and Disciplinary Neoliberalism," *Millennium* 24, no. 3 (1995).

11. Richard A. Wilson, "Human Rights, Culture, and Context: An Introduction," in *Human Rights, Culture, and Context* (London: Pluto, 1997).

12. Anthony Woodiwiss, *Globalization, Human Rights, and Labour Law in Pacific Asia* (Cambridge: Cambridge University Press, 1998).

13. K. Dodds, "Political Geography: Some Thoughts on Banality, New Wars, and the Geographical Tradition," *Progress in Human Geography* 24, no. 1 (2000).

14. Michel Foucault, "What Is Critique?" in *Twentieth-Century Questions*, ed. James Schmidt (Berkeley: University of California Press, 1996).

15. C. Douzinas, *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Abingdon, UK: Routledge-Cavendish, 2007); M. Mutua, *Human Rights: A Political and Cultural Critique* (Philadelphia: University of Pennsylvania Press, 2002).