

The Last Utopia: Human Rights in History

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All things to all men

This is a book about human rights in history only in the sense that it argues that they are not to be found in history at all until they exploded into the world during Jimmy Carter's presidency. Samuel Moyn is a historian, not a lawyer, and it shows - he writes with great verve, but without fully grasping the struggle by which states have sometimes been held to account. However, his book poses a useful challenge to proponents of human rights: should they keep their guns trained on genocide and torture, or develop a broader political agenda?

"The drama of human rights," writes Moyn in his prologue, "is that they emerged in the 1970s seemingly from nowhere." So it might seem to an Ivy League, ivory-tower academic who ignores the Declaration of Right of 1689, the Levellers and even the *New Statesman* (required reading for future prime ministers in their colonial prisons in the 1950s). He defines "human rights" as claims suggested by international law against nation states, as distinct from civil liberties associated with citizenship and granted by governments. The rise of "universal" rights within a global framework came with the collapse of other utopias - communism, for example, and the hopes once held for collective self-determination.

There is a rich vein of irony directed here at a movement that could successfully provide an alternative utopia in the 1970s because its ambitions were minimalist: it has since been forced to expand into a political "good governance" lobby that strives to make the world a better place. Moyn thinks this is bad, and that it should shrink back into a campaign that targets mass murder and other barbarisms. His version of history shows that otherwise it will self-destruct, like its erstwhile utopian rivals.

That the human rights movement should downsize does not follow from Moyn's account of its recent origins. He cautions, rightly, against treating the past "as if it were simply the future waiting to happen", and is correct in noting how "natural rights", the foundation of the French and American revolutionary declarations, were killed off in the 19th century by Jeremy Bentham ("nonsense on stilts") and Karl Marx (who dismissed them as "bourgeois"). Yet their re-emergence as secular "human rights" did not, as he asserts, begin in America in the 1940s. The Sankey committee (with J B Priestley, Barbara Wootton and H G Wells) had drafted a Fundamental Law for Mankind in the late 1930s, and Wells's 1940 Penguin Special arguing for universal human rights was translated into 30 languages and syndicated in newspapers throughout the world, inspiring Franklin D Roosevelt's "Four Freedoms" in 1941. It also drew on rights claimed against the state by Edward Coke, John Locke and John Lilburne, not to mention Wilkes and Wollstonecraft - rights occasionally granted by common-law judges. Moyn's US-centred approach does not allow British liberty a look-in.

His book is more persuasive when it turns to some recent non-American progenitors of the idea of human rights, such as Andrei Sakharov and Václav Havel (the latter is especially important for the existentialist joy he brought to the struggle against the emptiness of the totalitarian state). These pioneers were, it must be said, more important than the American academics whom the book credits with the "explosion" of human rights - an exaggeration used repeatedly to refer to the year 1977, when death squads roamed Latin America and Augusto Pinochet was granting amnesties to himself. Amnesty International, although awarded the Nobel Prize in that year, was still writing grovelling letters to torturers who could not be put on trial until the turn of the century.

It is, in fact, this millennial shift from expediency to justice, at the fag-end of a century in which 160 million lives had been lost to war and genocide, that may in due course be seen as the real "breakthrough year" for human rights. Historians will, I suspect, trace the revival of the Nuremberg legacy to causes such as greater Holocaust awareness, the advent of global television and the advances in human rights law made, for example, by the European Court at Strasbourg, and not to the collapse of rival utopias. I doubt they will remember human rights as an ideology that triumphed in the late 1970s. Rather, they will see it as a struggle that continued long after 2010, a year in which the indicted Omar el-Bashir was allowed to travel freely through Africa and Muammar Gaddafi remained an "unindicted co-conspirator" in the Charles Taylor trial.

Human rights are won in courtrooms not classrooms, and this account of recent scholastic success is only a small part of their history. However, the question of focus the book raises - the choice between "catastrophe prevention" and "utopian politics" - is serious enough at a time when the former goal is still not attainable. The best answer may be simply to prioritise rights, rather than discard them. Moyn makes the shoulder-shrugging assertion that "human rights cannot be all things to all people". But if they really are universal, why not?

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Samuel Moyn

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