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“The true history of human rights matters most of all” (Moyn) - a new gospel for human rights history?

Moyn, Samuel (2010) *The Last Utopia Human Rights in History*, Cambridge (Ma) and London: The Belknap Press of Harvard University Press. Xxpx. ISBN 978-0-674-04872-0.

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Samuel Moyn’s book *The Last Utopia* is a refreshing and, as the author intended, provocative read. Sorely needed, the book calls for an approach to human rights history that does not take human rights as gospel, literally speaking. Moyn attacks what he calls the ‘church history’ of human rights historians, in particular those writing in and about the USA. According to him, they have been blinded by the message of human rights in their writings and hence see it everywhere in the past. With an ambition of writing ‘the true history of human rights’, Moyn sets out to show his readers when human rights really came into their own and why it was not so at any earlier point in history.¹ To Moyn, human rights emerged in the 1970s, no exceptions. For any reader, this book engages you in thoughts about what you understand human rights to be and also who made human rights into a global phenomenon.

Moyn’s book is in its entirety a discussion of what were and are human rights. His first full chapter is a conceptual history of rights, and offers a distinct set of categories which offers a theoretical framework for the later chapters based on works by familiar US-European thinkers and authors. This is followed by a discussion of why human rights, as defined by Moyn, might have had a moment in the 1940s, but nothing more, and touches lightly upon the 1950s and 1960s. Then he turns to the issue of whether the right to self-determination should be understood as a human rights, which he finds that it should not due to its strong link with state sovereignty. In his fourth chapter, Moyn then presents in full his case for why it is in the 1970s that human rights, as he understands them, came into their own. After this chapter, before the epilogue, international lawyers are discussed in particular. Throughout, it becomes

¹ Samuel Moyn, *The Last Utopia: Human Rights in History* (Belknap Press of Harvard University Press 2010) Prologue

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clear that Moyn has a very particular agenda in *The Last Utopia*. It spells out a new gospel for human rights history, one on the methodological level.

The approach in question is one often referred to as New History or, to be more precise, New Cultural History, where one of the main tenants is an emphasis on the use of language by historical actors, and another is the emphasis on other groups than the political elites. These groups are often studied and understood as social movements, and how to study them varies from historian to historian. That is part of the reason for why Moyn finds studies of ‘a global diplomatic elite, often schooled in Western locales, who helped tinker with the [Universal] declaration at a moment of symbolic unity’ of little value in *The Last Utopia*. According to him, ‘the more interesting and important inquiry [is] why the language [of human rights in the 1940s] remained so peripheral in its subsequent European homeland, to say nothing of the world as a whole.’² Although this reviewer agrees that the second question is one of interest and one that has not been properly studied yet, it does seem that a combination of the two would yield the more interesting answers to what took place in the 1940s.

Here it is important to note Moyn’s definition of human rights. Although he does specify what legal aspects for rights to be human rights – that they have to be applied globally through supranational mechanism and be intended to aid the individual rather than a group to be understood as human rights – it is as a linguistic phenomenon that he mainly studies and presents human rights in *The Last Utopia*. Human rights are to be understood as a vernacular that implies a global agenda for all human beings as individuals. He excludes all rights that can co-exist with state sovereignty, and defines them as Rights of Man rather than human rights.³ These rights are understood to be about ‘a whole people incorporating itself in a state, not a few foreign people criticizing another state for its wrongdoings.’⁴ They constitute the ‘creation or renovation of a citizenship space, not the protection of “humanity”’⁵ This excludes any discussion of when states serve as the mediators of human rights, from paper provision to reality. It does pose a problem for Moyn when his actors use the human rights phrase about rights he wants to classify as Rights of Man. This could indicate that they did not agree with Moyn’s separation of human rights and the Rights of Man but rather understood

² *ibid.* chap. 2 [page numbers will be added, for now only chapters.]

³ He further states that due to the lack of change in words in European languages over time, Europeans might have become blind to the change in what rights and liberties are really discussed, French and German being the examples used. I find this strange, as most historians I have read understand the process from Sovereignty-bound rights to supranational rights as a process of change of the protection of the rights in question more than a change in the rights themselves.

⁴ *ibid.* chap. 1

⁵ *ibid.*

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the latter as having been transposed onto the international level, rather than being a distinct phenomenon based on language and supranational norms.⁶ It would have been interesting to see how he dealt with World Federalism, but that was not discussed in book.

It also means that what might be described as a mainly bureaucratic project of the 1940s, 1950s and 1960s falls out of the history of human rights to a great extent. This seems according to Moyn's plan, as he finds the history written of the 1940s 'deeply selective [which] needs to be replaced by one in which those events, though not without their place, are demoted to phases in a larger, more complicated, and in many ways far more depressing tale.'⁷ The efforts of an eschewed 'global elite' referred to above for global and/or regional approaches, which might at times seek to make human rights part of what makes a sovereign legitimate, falls to the wayside in a history that seems just as selective both in focus and source material as that written about the 1940s if the chapter on the mid-1970s is taken as the main focus. This reviewer agrees with Moyn in the need to study how a human rights discourse did or did not develop in the 1940s, 1950s and 1960s. To say that 'Never at any point [in the 1940s] were they [Human Rights] primarily understood as breaking fundamentally with the world of states the United Nations brought together' is quite a strong statement when that was one of the reasons why the United Nations Commission on Human Rights chose to go for a political declaration first.⁸ But at the same time, it seems that Moyn pushes his argument further than even he finds necessary when both the chapter on the 1940s and the right to self-determination are considered.⁹

Most explicitly, this is stated in three dichotomies he puts forth in the chapter on the 1970s. They are set up as best ways in which to study the dynamic that made human rights – as a vernacular – so successful in that decade. First, it is better to account for the success of human rights in the international sphere from within a context of new social movements than to track citizen advocacy in the international sphere. Second, to explain what is described as 'a startling spike in cultural prestige' of human rights 'after decades of irrelevance' is more important than to record how the United Nations or Council of Europe created human rights mechanisms. And, third, it is of more interest to know why, at that moment, human rights broke through as one type of idealism, for ordinary people and in public life.¹⁰ [transition]

⁶ [note to reader - Here an example will be included, I just need to decide on which one.]

⁷ *ibid.*

⁸ *ibid.* chap. 2

⁹ [Note to reader – needs to be further polished]

¹⁰ Moyn, *The Last Utopia* chap. 4

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The Last Utopia is a thought provoking book, although sometimes for other reasons than his criticism of earlier works. To disagree about how concepts have and are understood is part of the discipline, excellently put by Moyn when he says that ‘global history of concepts depends on how rival human actors choose to deploy them, for good or for ill.’¹¹ Although critical of how others have used hindsight, Moyn takes one of today’s understandings of human rights and tries to trace it back in history. Although he starts out with quoting Marc Bloch on how useless it is to look for origins, he still ends up doing just that. Indeed a different perspective might be that of change, where language, ‘regular people’ and the ‘diplomatic elite’ are all given their due. That way, the rivals might be the traditional division between elite and rest, whilst our knowledge of the history of human rights might become even more nuanced and multidimensional. We might end up with not one story of human rights, but several.

¹¹ *ibid.* chap. 3