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STUDYING THE HISTORY OF HUMAN RIGHTS

Review of: Lynn Hunt (2007) *Inventing Human Rights. A History*. New York: W.W. Norton & Company, 272 pp.

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It is tempting to describe the history of human rights as a succession of intellectual breakthroughs and revolutionary declarations. Such an account, which has long dominated the study of human rights, leads us from the seventeenth century ideas on natural rights by Hugo Grotius and John Locke, to Jean-Jacques Rousseau's use of the term 'rights of man' in *The Social Contract* (1762), to the American Declaration of Independence (1776) and the French Declaration of the Rights of Man and Citizen (1789), both claiming that all *men* are free and equal, to finally the United Nations' Universal Declaration of Human Rights (1948), which proclaimed that all *human beings* are free and equal. Clearly such a history of intellectual advances is attractive, as it is both synoptic and optimistic. Lynn Hunt's new, fast-paced book *Inventing Human Rights* (2007) shows, however, that it also provides us with a rather incomplete analysis of the development of human rights.

Inventing Human Rights expands on the intellectual history of human rights in two important ways. First, it makes clear that intellectual advances and revolutionary declarations were only possible as a result of a fundamental change in the meaning of the self. According to Hunt, new

kinds of individual experiences of empathy were created, in the course of the eighteenth century, which in turn made possible the invention of human rights. Second, the book shows that most of the late eighteenth century advances in the establishment of human rights were again reversed in the nineteenth and early twentieth century, which were characterized by nationalist, racist, sexist, and xenophobic movements. Paradoxically, as Hunt argues, the discriminatory character of these movements was particularly strong, precisely as a result of the invention of human rights.

Hunt, who is the Eugen Weber Professor of Modern European History at UCLA, is clearly qualified to reinterpret the invention of human rights. She made her name as a historian with the by now classic *Inventing the French Revolution* (1984), which put the cultural approach to the French Revolution on the map in the Anglo-Saxon world. Besides the French Revolution, she has published widely on historical method and epistemology, as well as on western civilization in general, and the development of human rights specifically (see for example Hunt 1989; Hunt, et.al. 2000; Hunt, et.al. 2005). A constant throughout her work is the emphasis of the importance of changing cultural practices.

In *Inventing Human Rights*, Hunt again centers on cultural shifts to demonstrate how new experiences and ideas of empathy, as well as individuality and autonomy, were created in the course of the eighteenth century. In the first chapter of the book, she discusses, for example, the transformation of opera goers from social beings, who conversed with their friends during the performance, to individuals who listened to music in silence, allowing them to feel strong personal emotions. Hunt also analyses changes in domestic architecture, such as the construction of separate bedrooms, and the eighteenth century rise in the production of portraits, which highlighted the individuality of the ordinary person. However, above all, she stresses the importance of the popularity of the epistolary novel, a novel composed in the form of a letter exchange. She maintains that the reading of these novels appears pertinent, as the heyday of the epistolary novel coincides chronologically with the birth of human rights.

Thus, Hunt not only analyzes Rousseau's *Social Contract*, as most histories of human rights do, but also, and in much more detail, his international best-selling novel, *Julie, or the New Heloise*, which appeared the year before in 1761. This novel, which went through no less than 115 editions in France, tells the tragic story of a young woman who is forced by her authoritarian father to give up her penniless lover and marry an older Russian soldier, who once saved her father's life. Hunt asserts that *Julie* triggered an explosion of emotions among its readers, who enthusiastically wrote letters to Rousseau to testify of the feelings of "devouring fire", which the novel had stirred. She argues that reading *Julie* opened people up to new forms of empathy: it enabled the readers to empathize across class, sex, and national lines (p. 35-38). Investigating the letters, diaries, and reviews of eighteenth century readers, Hunt shows that other popular epistolary novels, such as *Pamela* (1740) and *Clarissa* (1747-48) by Rousseau's English predecessor Samuel Richardson, had a similar effect.

Inventing Human Rights makes clear that the growth of new forms of empathy established the basis for the articulation of a whole set of human rights demands. The impact of this development was particularly evident in relation to torture, to which an entire chapter of the book is devoted. Hunt maintains that throughout the early modern period judicially supervised torture and cruel punishments functioned as sacrificial rites to restore the moral, political, and religious order. In this constellation, pain did not fully belong to the individual condemned person, but served a higher religious or political purpose. In the second half of the eighteenth century, as a result of the changes in the meaning and experience of the self, pain was increasingly only associated with the sufferer, and torture and punishment gradually lost their political and religious function. In turn, this inspired a growing resistance against the judicial use of torture, which was now considered an assault on society rather than an affirmation. Hunt emphasizes that this development was not first and foremost a consequence of the claims of enlightenment writers, but because people started to 'recognize in other people the same passions, sentiments, and sympathies as in themselves' (p. 112).

Ultimately the changes in the experience of the self and the other were reflected in the late eighteenth century revolutionary declarations.

Particularly interesting is that Hunt claims that these declarations did not just simply signal transformations in general attitudes, but had a self-propelling effect. In Hunt's words: 'declaring opened up whole new political vistas' (p. 114). For example, the French Declaration, echoing the changing views on torture and cruel punishment, proclaimed that the law should be the same for everyone and should not permit arbitrary imprisonment or punishment. This general statement was quickly followed by more specific decrees, which on the basis of this declaration abolished all forms of torture. Precisely the general character of declarations offered the opportunity to change a broad set of social, political, and judicial relations. How this worked can be clearly observed in the case of the French religious minorities, which previously did not have any political rights. After the declaration of 1789, first the Protestants used the general claims on the equality of all men to demand political rights. Subsequently, other religious minorities successfully took up this demand. Hunt calls this the 'inner logic' of human rights (p.150).

The final chapter of the book discusses the reversal of the human rights regime in the course of the nineteenth and early twentieth century as a result of the rise of nationalist, imperialist, socialist, communist, and fascist movements. Hunt notes that the xenophobic, sexist, racist, and anti-Semitic character of these movements, which became particularly virulent, is closely related to the universalism of the human rights regime. The universal claims concerning the natural equality of all mankind called forth equally global claims about natural difference. She emphasizes that after the French Revolution, differences could no longer be asserted on the basis of tradition, custom, or history. Differences needed a more solid foundation. 'As a consequence, the nineteenth century witnessed an explosion in biological explanations of difference' (p. 186).

In the light of the discriminatory character of many of the nineteenth and early twentieth century political movements, as well as the brutality of the two World Wars, Hunt comes to the conclusion that the development of human rights had failed. Then to immediately add that they succeeded in the long run. Ultimately, the revelations about the horrors of the Second World War created the opportunity to establish the Universal

Declaration of Human Rights. This is certainly not to say that the conception of this declaration did not meet any opposition. Especially the Soviet Union, the United States, and Great Britain had their objections. Only because many medium-size Latin American and Asian states, which resented the domination of the great powers, as well as ‘a multitude of religious, labor, women’s, and civic organizations’ strongly rallied for the declaration, was it eventually established by the United Nations. This crystallized, according to Hunt, 150 years of struggle, during most of which only ‘benevolent societies had kept the flame of universal human rights burning’ (p. 205).

It should be noted that despite its originality, *Inventing Human Rights* still offers a rather traditional modernization type of history of the establishment of human rights, which makes it difficult to account for the exceptions and reversals in this development. This is particularly clear in the first chapters, which argue that the new experiences of empathy have led to the establishment of the human rights regime. While Hunt convincingly demonstrates that empathy played a role in this development, her explanation of how specific rights were established and again reversed, is much less persuasive. For example, it is not altogether clear why various religious minorities obtained political rights, but women continued to be excluded from these rights. In fact, it was only from the end of the nineteenth century onwards that women started to gain the right to vote in national elections. Apparently, the new experiences of empathy did not include women, and neither did the ‘inner logic’ of human rights always work as advertised by Hunt. To explain this discrepancy, Hunt has to invoke an alternative explanation: she argues that there was a sort of ‘conceivability scale’, in which ‘granting rights to some groups (Protestants, for example) was more easily imagined than granting them to others (women)’ (p. 150). To this she adds that ‘women simply did not constitute a clearly separate and distinguishable *political* category before the Revolution’ (p. 169). Yet, she does not explain why specific groups failed to become a political category, whereas others succeeded. Neither does she explain how certain groups eventually obtained political rights.

Given Hunt’s explanatory framework, the reversal of the human rights regime in the years after 1800 is even more puzzling. On the basis of the transformation of the self and the logic of human rights, we would expect this regime to strengthen instead of falter. Consequently, Hunt has to fall back on the traditional interpretation of the revolutionary period: as an era of struggle between ‘the rights of man on one side and traditional hierarchical society on the other’ (p. 177). This suggests that human rights were blocked and ultimately reversed by the forces of the ancien regime. It is particularly striking that Hunt invokes such a traditional reading of the struggle over human rights, since precisely the research on political cultural history, to which Hunt has made important contributions, demonstrates that the revolutionary era cannot simply be interpreted as a confrontation between traditional and modern forces. Instead, political cultural historians show that in the course of the French revolution a wide variety of political concepts, identities and actors were constructed, transformed, and again discarded (for an overview see: Baker 1987-94). Consequently, the revolutionary era and the development of human rights were not simply determined by a confrontation between two camps, but by a highly complicated power struggle, in which changing revolutionary groups clashed and cooperated with each other. This suggests that ultimately we can only understand the institutionalization of human rights - their founding, reversal, reestablishment, and partial enforcement – through a detailed analysis of the complex power struggles which have occurred in different historical periods, and between ever-changing political actors.

The future historian who is to pursue such a daunting research project is well-advised to not only consult the literature specifically focused on the history of human rights, but also the vast scholarship on the development of citizenship in different parts of the world. As Hunt’s book makes clear: even though human rights are proclaimed, it remains very difficult to enforce them. The literature on citizenship can help us to gain further insight to this problem. Precisely the research on the struggles over political, economic, and cultural citizenship on the national and local level addresses the question when and where particular rights have effectively been implemented. While the scholarly focus has over the last decade shifted from local and national citizenship to international human

rights regimes and post-national citizenship, the national and local state continue to be key actors when it concerns human rights. Hence, in the absence of strong international political institutions there inevitably remains a strong connection between human rights and national and local citizenship, even though these types of citizenship, as Saskia Sassen has argued, are undergoing fundamental changes themselves (Sassen 2006, 299-308). All this obviously goes beyond the scope of *Inventing Human Rights*. Nevertheless, it is a testimony to its strength that it stimulates us to also question the role of human rights in our contemporary world.

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