

Review Article

Jack Donnelly's *Universal Human Rights Theory and Practice*

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Jack Donnelly, *Universal Human Rights in Theory and Practice (2nd Edition)* (Ithaca, NY: Cornell University Press), pp. 290.

Universal human rights is a problematic concept to define and even more difficult to apply. Proliferated by the ongoing Iraqi prison abuse scandal, it remains one of the most contentious debates in international relations discourse. Some scholars have even gone so far as to argue that by negating the diversity amongst global cultures and by promoting a monolithic set of social values, the mere notion of universal human rights reinforces neo-colonialist arguments by obliquely signifying Western hegemony over the developing world.

In his influential and recently updated book, *Universal Human Rights in Theory and Practice*, Jack Donnelly grapples with many of the aforementioned arguments and ultimately concludes that universal human rights is a potential global reality. By tackling questions of "cultural relativity," "Asian values," and the issue which preoccupies much of contemporary political science debates, "humanitarian intervention," Donnelly convincingly refutes any position that suggests that universal human rights is an unattainable objective. Positing the *Universal Declaration of Human Rights* (UDHR) as

the ideal paradigm, he provides a comprehensive analysis of the avenues through which the Declaration can manifest fruitfully. At the crux of Donnelly's conclusion lies the idea that through an engagement with liberalism it is possible to discern a normative conceptualization of human rights that eschew the time/space complex.

Generally, this book is well structured and is divided into four distinctive, albeit, interdependent sections. The first section is dedicated to constructing a theoretical framework from which universal human rights can be granted substantive definition, and thereby, best scrutinized. In this section, Donnelly enmeshes human rights, and specifically the UDHR doctrine, alongside realist and neo-liberal traditions. From this correlated space Donnelly suggests that, "the state is the central institution available for effectively implementing internationally recognized human rights" (35-36). Likewise, Donnelly "[accepts] the common association of human rights with Western liberalism" (46-47), and argues that a philosophical foundation rooted in liberalism is the best avenue through which the UDHR model can be enacted.

The second section of the book focuses on the most contentious criticism cast against any social or political entity that emanates in the West and self-proclaims itself as being 'universal': cultural relativism. Donnelly eloquently deconstructs the argument that "all societies cross-culturally and historically manifest conceptions of human rights" (71). He concedes that while all major cultures have had some form of duty system, which governs the social recognition of human dignity, these systems however, are alternatives to rather than synonymous with human rights. Furthermore, although culture maintains a critical function in establishing and implementing universal human rights, according to

Donnelly, “culture is *not* destiny” (88); thus, negotiations—through meaningful dialogue—between and amongst cultures can lead to the realization of the UDHR model. The final two sections of this book is devoted to contextualizing human rights in questions of foreign policy, humanitarian intervention, rights discourse and other hot button issues presently fermenting in human security studies. By tacking these issues and deconstructing—or, perhaps transcending—traditional ideas of sovereignty and international norms, Donnelly on the one hand, substantively advances the central canon of the UDHR that declares, “[a]ll human beings are born free and equal in dignity and rights” (225), while still on the other hand, he discloses how human rights is a realistic project and dimensions of this concept can be embedded into virtually all facets of human social and political existence.

The book’s greatest strength is found in Donnelly’s culturally sensitive and holistic approach of analyzing human rights; a subject that is often decried on grounds of embodying ethno-centricism. Rather than exhibiting Western academic and bourgeois elitism that is apparent in many similar works on human rights, Donnelly approaches the issue by considering its impact on ‘modest’ cultural differences. When confronted with these modest differences, Donnelly remains optimistic that cross-cultural dialogue can productively engender a consensus in rendering categorical human rights.

A point for further commendation is Donnelly’s emphasis on sexual minority rights (Chapter 14); a dimension of human rights often made mute in both public policy construction and scholarship. Donnelly recognizes that whereas other grounds for discrimination such as race, gender, religion, and to a much lesser extent creed, have been studied in recent decades, prejudices cast against sexual minorities continue to flourish.

Donnelly rightfully argues that, “[d]iscrimination against sexual minorities...has international dimensions” (232), and should, alongside the plethora of other crucial issues, be considered an integral dimension of the human rights project. Rather than attempting to theorize and execute human rights in piecemeal solutions, Donnelly formulates a framework entrenched in the overarching beliefs of inclusion and fairness.

Although the overall argument is comprehensive and generally well-supported, it is nevertheless, flawed by the lack of cogency evident in the author’s discussion of humanitarian intervention. In Chapter 5, Donnelly claims that there is no innate association between the Western world and the establishment of human rights. Indeed, “the West had the (good or bad) fortune to suffer the indignities of modern markets and states before other regions” (78). It can be concluded, therefore, that for socio-economic purposes the modern West was *compelled* to indoctrinate human rights prior to the non-Western world. However, as some scholars argue, during the initial stages of the state-building processes in Western Europe and the United States, the politically sanctioned violating of human rights was common practice.¹ In fact the notion of universal human rights—which has been significantly amplified by decrees like the Geneva Convention and the UDHR—did not garner ample international attention until after the Second World War. This suggests that for universal human rights to undermine traditional international legal norms—norms that are undergird in the theory of state sovereignty—there requires strongly ingrained social, political, cultural, and economic institutions which corollary the qualitative fabric of the nation.²

The states of the modern West have had hundreds of years to create their qualitative fabric.³ It is from this history and experience that the UDHR was conceived in 1948.

However, Donnelly expects the UDHR to be applied to all states indifferent of when and how nationhood was established. He seems to negate the fact that many countries of the developing world are resultant of two primary phenomena: (i) the decolonization movement of primarily the 1950s and 60s, and, (ii) the dissolution of the Soviet Union of the early 1990s. According to Donnelly it is the ignominies of modern markets and states that mandate the emergence of human rights. From this premise it can be reasonably inferred that because many non-Western states are now entangled in the multitude of complexities which constitute modern markets and states, the manifestation of human rights in these regions are inevitable. Hence, so long as time is granted to these relatively new countries, universal human rights will culminate; making perhaps, the forceful or coercive rooting of a human rights dogma in foreign and international policy ultimately futile, not to mention a visible by-product of Western hegemony.

Extending from his realist position, another refutable point apparent in Donnelly's argument concerns his presupposition that the social contract is globally relevant. While it is accurate that in Euro-American nations, political liberalism has theorized the presence of the state by formulating the social contract, not all regions concede to such a notion. For instance, the Igbo of eastern Nigeria, for centuries have successfully resided in stateless societies. Donnelly is neglectful of considering those groups who have not willingly suspended their powers of governance over to a central institution. Donnelly needs to further explain how universal human rights are to operate without the automatic precondition of the social contract.

Jack Donnelly's analysis draws upon various social science and philosophical perspectives to persuasively argue that the creation and implementation of universal

human rights is a plausible phenomenon within the contemporary global context. *Universal Human Rights in Theory and Practice*, with the exception of a few small sections of acute jargon, is useful for both introductory and advanced classes of human rights and may be a beneficial reference source for political science, international relations, sociology and anthropology students engaged with this developing area of contentious research. While Donnelly's apparent optimism is commendable, greater elaboration of execution strategies for universal human rights must be identified both discursively and candidly. Nevertheless, with the updated version of this book Donnelly has provided a theoretical and pragmatic departure point from where more specific avenues for implementation processes may be sought out. More importantly still, even with the present tensions prevalent in global social relations, Donnelly has put forth new reasons for buoyancy. As his writing suggests, universal human rights, in spite of the myriad of arguments against it, is not only ideal and advantageous for the vast majority of global citizens, and with some determined effort it is also applicable.

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NOTES

¹ See, for example: Charles Tilly, "Reflections on the History of European State-Making," in ed. Charles Tilly, *Formation of National States in Western Europe* (Princeton, NJ: Princeton University Press, 1975), pp. 3-83.

² By the term 'qualitative fabric' I refer to those structures and institutions which collectively constitute the nation in both theory and practice.

³ A similar argument has appeared in: Mohammed Ayoob, "Humanitarian Intervention and International Society," *Global Governance*, 7(3), 2001: 225-230.