

## Human Rights Horizons

*Prof. Dr. Mahmood Monshipouri,  
Department of Political Science,  
Quinnipiac University,  
Visiting Fellow at the Yale Center  
for International and Area Studies*

Richard A. Falk, *Human Rights Horizons: The Pursuit of Justice in a Globalizing World*, New York: Routledge, 2000, pp. 266, plus Index.

The quest for preserving human dignity enjoys universal appeal. But precisely how to conduct a campaign for human rights and global justice in a globalizing world is an issue that poses vexing problems for the world. Richard A. Falk, the Albert G. Milbank professor of international law and practice at Princeton University, and one of the North America's premier human rights

scholars, outlines the ways in which global justice can be greatly enhanced in an era of globalization. His book is divided into three parts. Part one examines the theoretical and normative perspectives on human rights and global justice, as well as how the link between the two is becoming increasingly inevitable. This section addresses many key issues, including sovereignty, human

rights, geopolitics, interventionary diplomacy, international enforcement, and civilizational dialogue. The focus of the book then shifts to the discussion of substantive rights, dilemmas and challenges in part two. Several issues, such as self-determination, collective rights, group claims, indigenous people, the challenge of Islam, and the unmet challenge of genocide, constitute the bulk of the debate here. Part three explores the prospects of extending rights to posterity, intergenerational equity, and the link between morality and global security with an eye toward forging a consensus on a human rights perspective.

Falk argues the need for extending the effective reach of human rights to involve cultural pluralism, group rights, duties to the community, indigenous peoples, and non-Western civilizations. This requires some form of “humane governance” and “substantive democracy,” whereby participation, accountability, the rule of law, government and corporate transparency, social equity, and the satisfaction of basic human needs are

taken into account. In this basic sense, Falk argues, “realizing human rights is tantamount to achieving global justice” (p. 2). Falk’s attempt to bridge the gap between moral and legal domains is rebuked by the critics of “justice as human rights,” who argue that a weakness of the human rights approach lies in its emphasis on moral rights and in its retreat from a positivist interpretation of rights. The latter is defined in terms of preexisting legal or societal rules. “Justice as human rights,” they argue, “is unable adequately to account for the legal flavor of justice” (Campbell, 2001).

In a larger context, Falk points out that the extension of the rule of law to involve humanitarian intervention and institutionalization of criminal liability of leaders on a global level requires “an acceptance by leaders of the main postulates of global justice” (p. 4). In the twenty-first century, Falk insists, we must focus on creating effective and legitimate implementation of human rights.

Major barriers to global justice arise from territorial sovereignty, as well as from the emphasis on efficiency and competitiveness criteria as the basis for assessing economic performance.

Many experts concur that neoliberal globalization has unacceptable human, social, and environmental costs and that contemporary globalization has in various ways undermined human security, social equality, and democracy (Scholte, 2000). To confront these problems, Falk suggests that we move, among other things, toward democratizing the United Nations. As it stands now, the United Nations is too statist to serve a world order in which global market forces and transnational social actors are playing increasingly significant role (p. 18). Elsewhere, in relation to the war in Afghanistan, Falk (2001) points out that the United Nations is simply too impotent to deal with global terror: “The United Nations lacks the capability, authority and

will to respond to the kind of threat to global security posed by this new form of terrorist world war.”

The most distinguishing feature of global justice within the existing framework of world order is the need to find a balance between conflicting pressures: peace vs. justice, growth vs. equity, free vs. regulated markets, order vs. uninhibited use of force, cultural diversity vs. universally binding human rights. To these countervailing pressures, one can add claims of present generations vs. claims of future generations, tradition, consensus, and political order vs. the rights of the marginalized, and traditional geopolitics vs. the legal prohibition of international aggression (pp. 29-32).

A half-century of human rights attests to the fact that the most serious of all structural constraints bearing on the application of international human rights is the realist orientations of the political elites whose geopolitical conceptions

of world politics have seriously questioned the relevance of law and morality to the proper operation of the state system. Yet, thanks to the rise of transnational activism, global visual media, and the contending ideological claims of the superpowers during the Cold War period (1949-1991), human rights have become more politically potent than could have been imagined fifty years ago. The contest between values and power may converge or it is possible that one displaces its rival and becomes undisputed view of how things work in international relations. A more nuanced approach may be a limited reconciliation between the two. The neoliberal globalization may be that middle ground, but its implications for the social disempowerment of the state are raising serious questions regarding the economic, social, and cultural rights envisioned in the international covenants (pp. 46-49).

Falk's view is that neoliberal globalization presents both

opportunities and the limits, asserting that, with few exceptions, the prospects for international enforcement of human rights standards remain remote. If internalization of human rights standards is to be achieved, sensitivity is the most effective way of extending human rights to the South. Ultimately, the challenge of implementation, Falk maintains, will be better met with a new priority of domestic policy, and not by interventionary diplomacy (p. 66).

After reviewing alternative sources of agency, such as regional organizations, the United Nations, the exercise of "benign realpolitik," by hegemonic powers, transnational humanitarian social entity, and domestic initiatives of civil society, Falk concludes that none is adequate to effectively address the problems of governmental failure, especially in Africa. While arguing that sovereignty has been wrongly given the impression of a status—not as a process—in developing countries, he

embraces the idea of responsible sovereignty, one in which state rights and responsibilities are fused (p. 85). Yet this notion lends itself to different interpretations, depending on legal and political context, a point that Falk himself frequently makes throughout the book.

In a somewhat abrupt transition to the patterns of global dominance and non-Western attitudes toward human rights, Falk discusses the importance of multicivilizational dialogue. It is within this context that the tensions between market logic and the ethos of humane social conditions are rehashed. This argument, which has been fully elaborated earlier (chapter 2) under the rubric of “the Washington consensus,” is repetitive and redundant in this section of the book.

Part two begins with revisiting the rights of self-determination. Falk argues that challenges that self-determination (human rights, autonomy, and independence) poses are numerous and uncertain. He

contends that “It is too late to put the genie of self-determination back in its colonialistic bottle” (p. 103). In its most expansive form—that is, the statehood—the right to self-determination runs directly counter to the general global geopolitical imperative of avoiding fragmentation. This state-shattering movement is vehemently denied “in a setting where there is opposition both from the old unified state and from ethnic minorities in the new proposed state” (pp. 124-125).

In chapter 7, Falk deals with group claims within the UN system. Here, he argues that the contributions of the United Nations to the protection of minorities and indigenous peoples are difficult to evaluate in terms of policy and behavioral effects. Its role has been indirect and atmospheric, changing the climate within which these issues are perceived and resolved. The UN’s role in consciousness-raising, standard-setting, and networks and feedback mechanisms has been

noticeable. In the post-Cold War era, it is only natural to assume that the United Nations can play a more assertive role. Protecting minorities and their rights has actually gone beyond the practice of human rights, as it has increasingly become a matter of upholding international peace and security. The latter, according to Falk, “is likely to be a major test of the capacity of the United Nations to exert a positive influence on international life in the first decade of the twenty-first century” (p. 145).

Shifting the gear to the geopolitics of exclusion, Falk argues that the exclusion is generally caused by “false universalism” that obscures Western civilizational hegemony. Absent normative adjustment, such as the intercivilizational participation in the creation of norms and rights, the outcome is not representative and the whole process will be regarded as illegitimate and alien by those excluded (p. 152). A similar view is advocated by those human rights

scholars who have supported the gradual evolution of a universal conception of human rights, contending that “intellectual thought is the outcome of a dialectic between theory and social reality in all historical periods” (Pollis/Schwab, 2000). Some scholars, in contrast, attack the still common skepticism about international human rights, arguing that human rights as legitimizing norms/ideas in international relations have become very much like a new international “standard of civilization” (Donnelly, 1998).

Clearly, in the case of Islam, effective normative adjustment begins with a more equitable participation in the United Nations and the administration of the global economy (p. 163). Such an intercivilizational process, if it occurs, would entail certain costs, including weakening democratic forces in existing Islamic states that are bent on upholding secularization and protecting the freedom and

autonomy of individuals (p. 163). Falk sees a creative tension between the existing international human rights norms and Islamic civilizational assertion. This dynamic is uncertain and hard to predict, as Falk himself would not deny; it has led to democratic as well as undemocratic struggles over what constitutes cultural change and continuity and what is meant by legitimate normative adjustment to modernity. In some ways, such struggles have grown in intensity throughout the Muslim world, especially in view of the September 11, 2001, terrorists attacks on the United States and the subsequent war in Afghanistan.

Two interrelated contemporary developments, according to Falk, have been responsible for the most widespread and acute human suffering in the world: genocidal politics and economic globalization. The failure or reluctance to prevent genocide might be a lame rationalization in light of the absence

of comparable reluctance when significant geopolitical interests are perceived to be at stake. Furthermore, the human wrong of genocide has largely took place in settings (Cambodia, Bosnia, Rwanda, Tibet, and Burundi) that are not notable for market opportunities, and therefore not strong candidates for costly international efforts at prevention, mitigation, and restoration (pp. 181-182).

Closely related to human wrong is economic globalization that inhibits efforts to devote resources to the alleviation of poverty and human suffering and other forms of social marginalization (p. 185). This view is supported by those studies that demonstrate how neoliberal regime create real constraints on progressive economic policy (Epstein/ Crotty/ Kelly, 1996). While challenging the conventional wisdom that treats compassionate politics cynically, Falk concludes that globalization-from-below, led by transnational

social forces, must promote democratization (p. 186).

A major challenge of the next fifty years, Falk argues in part three, is to incorporate and expand both the past and future dimensions of intergenerational equity. He introduces the image of the “citizen pilgrim,” evoking a journey based on a belief that a moral and spiritual reorientation can help address the many challenges of an era of globalization. “The citizen pilgrim,” Falk writes, “is committed to the process of establishing some form of humane governance for the planet as a whole, which presupposes the ethos of species solidarity across space and through time” (p. 195). This process of intergenerational justice involves acknowledging claims of past and future generations in formal settings, tangible action directed at controlling adverse trends or dangerously high levels of risk, and interpreting the level of responsibility for past injustice and future risks (pp. 195-197). Whereas the responses to

injustices occurring elsewhere were conceived in purely *geographic* sense, the new idea of rights and duties toward past and future contributes to our conception of international justice in a *temporal* sense of elsewhere (p. 198). On balance, stronger normative impulses in an increasingly integrated world point toward the temporal dimension of the discourse on international justice. Hence the rise of interest in intertemporal equity on the global scene (p. 209). In fact, Falk sees an inverse relation between temporal and spatial dimensions of justice: “As the temporal dimension gains ascendancy, the spatial dimension of international justice seems to be in decline” (p. 209). In a broader sense, the Nanking inquiry indicates that properly acknowledging past wrongs is “a collective human responsibility” (p. 216).

In the book’s final chapter, Falk turns to the issue of morality and global security by distinguishing three types of moral relevance in the

domain of global security: Type I: morality as a constraint on the use of force; Type II: morality as a means of realizing the security goals, and Type III: morality of ends of controlling the role of force in world politics. The Type III of morality (humanitarian morality) combines disarmament, demilitarization, and an ethos of nonviolence. Although the prospects of Type III morality are remote for the foreseeable future, the realist morality is likely to be called into question by the economic, ecological, and cultural challenges of the age of globalization. Whether resistance to statist authority, as Falk concludes, will translate into a Type III movement intent on the drastic reform of global security remains perhaps the most profound question of the twenty-first century (p. 233).

Falk offers a compelling exposition of the causes of human wrongs wrought by the genocidal politics and neoliberal economic globalization. To effectively cope with—and eventually prevent—the

genocidal state conduct, Falk proposes the strengthening of international criminal law. Seeking criminal justice, however, may not be the best way to cope with this problem as Falk wishes. One alternative view exposes the narrow focus of international criminal justice at the expense of poverty and socioeconomic marginalization (Silk, 2001). Another warns against judicial romanticism of legal and criminal justice, emphasizing, instead, the political and diplomatic initiatives (Forsythe, 2000). To confront the contemporary neoclassical vision and “false universalism” of human rights, Falk suggests an anti-essentialist approach to promote global equality. A growing number of studies concerned with how to theorize and construct more just societies echo a similar line of reasoning (DeMartino, 2000).

Falk does well to broaden our understanding of the paradoxical aspects of sovereignty, but his account provides partial solutions to

major issues currently in dispute. Obviously, given the state near monopoly of coercive means, steps for the improvement of human rights cannot be taken effectively until the state is transformed. As insightful as the analysis of the compassionate state and its *raison d'être* is, the book leaves unanswered the question of how to protect human rights worldwide while simultaneously conceding certain legal and logistical realities.

A discussion of *procedural* vs. *distributive* justice would have supported Falk's basic conviction that it is imperative to construct a global morality to keep in check the unbridled aspects of neoliberal globalization. This minor quibble aside, Falk's work is a serious attempt at demonstrating the tensions between morality and geopolitics, especially as they relate to the evolving notion of global justice. The book's strength lies in demonstrating the flaws of the corporate practices and corporate bottom line and how

they have been increasingly challenged by social movements representing globalization-from-below. Falk's analysis is especially effective in illustrating the ways in which neoliberal globalization has failed to foster social accountability. More significantly, the book makes a valuable contribution to the convergence of international human rights, international criminal law, and international humanitarian law in the age of globalization.

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