

Costas Douzinas, ***Human Rights and Empire: The Political Philosophy of Cosmopolitanism***. Abingdon, Oxford, and New York: Routledge-Cavendish, 2007. Pp. x + 326. Paperback, \$53.95. ISBN 10: 0-415-42759-2. ISBN 13: 978-0-415-42759-3.

Douzinas' principal aim in this work is to retrieve the emancipatory power of human rights by unearthing the mechanisms through which they are made to buttress relations of domination and exploitation. He seeks to establish that 'human rights can reclaim their redemptive role in the hands and imagination of those who return them to the tradition of resistance and struggle against the advice of the preachers of moralism, suffering humanity and humanitarian philanthropy' (at 293). A number of analyses find their way into this endeavour: a schematic history of cosmopolitanism, ranging from the Stoics to David Held; a quasi-genealogical investigation into the variegated sources of contemporary humanitarianism; and an examination of the various crises with which international law finds itself confronted in the face of an 'international community' which alternates between indifference and intervention, and a global hegemon which struggles with the contradictions of a

semi-solipsistic form of universalistic exceptionalism. As in his previous work,<sup>1</sup> Douzinas draws freely and heavily from several strands of post-Marxist social and political theory, embedding his study of the biopolitical ramifications of the proliferation of rights discourse in Foucault and Agamben, and supporting his account of the need for another cosmopolitanism – a ‘cosmopolitanism to come’ – in an age marked by cultural, commercial, and communicative globalization with a fair measure of Derrida and Nancy.

The most persistent and pronounced feature of Douzinas’ analysis relates to his effort to underscore the structural ambivalence of human rights. Vibrant sources of critical dynamism and reified crystallizations of socio-historically conditioned forces, rights are, he argues, suppressive and subversive at one and the same time, just as capable of functioning as instruments of imperialism as they are amenable to operating as agents of resistance. This is by no means surprising, for, as Douzinas notes, natural and human rights have long been understood to be comprised of two, closely related but conceptually distinguishable, dimensions. On the one hand, they have been regarded as means of opposing oppression, be this at the hands of the state and its constituent apparatuses or the diffuse, multi-vectored networks of transnational governance revered by some as the harbingers of a properly ‘post-national’ future. On the other hand, they have been viewed as devices that serve the interests of dominant classes, entrenching and naturalizing those politico-economic structures which are most likely to consolidate their privilege and cultivate their prosperity. Douzinas makes this point deftly, alerting the reader time and again to that unique ability of rights discourse to shuffle back and forth between the vitality of modernity’s promise and the violence of its practice (e.g. at 102). Indeed, he reminds us, it is precisely this instability, this unremitting and interminable volatility, that accounts for the peculiar resilience of rights discourse, preventing its destabilizing force from being neutralized

permanently by making room for the possibility of newer and increasingly incisive methods of effecting counter-hegemonic rupture. ‘Every exercise of right, every rearrangement of social hierarchy, opens in turn a new vista, which, if petrified, becomes itself an external limitation that must be again overcome’ (at 13).

The political implications of such a stance are wide-ranging. According to Douzinas, we may succeed in our efforts to disengage rights from the projects of colonialism and imperialism with which they have been affiliated and the stultifying processes of commodification to which they continue to be subjected (‘in colloquial speech’, he notes at one point, “‘I have a right to X” has become synonymous with “I want X” or “X should be given to me”’ (at 36)) if and only if the gap between their existing and aspirational forms is preserved. If ‘assent and critique, approbation and censure are part of the same game’ (at 33), if rights are not only ‘an effective defensive tool against domination and oppression’ but also, and at the very same moment, ‘the ideological gloss of an emerging empire’ (at 7), the work of critique must be grounded in a commitment to safeguard the distance between the utopian promise and current profile of human rights. It has to remain both mindful of and faithful to the need ‘to discover and fight for transcendence in immanence’ (at 110) so as to reignite their revolutionary vigour. ‘Violence’, Douzinas observes, ‘is the closing down or forgetting of the gap, critique the care for the distance, the cultivation of its memory and possibility’ (at 287). Classical principles of sovereign equality and national self-determination are often indispensable in this respect, precluding the stabilization of hegemonic regimes by highlighting the distance between present and ideal juridico-political configurations (at 295).

It is noteworthy that Douzinas should strike an especially strident note when broaching David Kennedy’s influential but deeply controversial *The Dark Sides of Virtue*.<sup>2</sup> Douzinas regards the kind of post-realist pragmatism to which Kennedy has recourse as preferable

<sup>1</sup> See especially *The End of Human Rights: Critical Legal Thought at the Turn of the Century* (2000).

<sup>2</sup> D. Kennedy, *The Dark Sides of Virtue: Reassessing International Humanitarianism* (2005).

both to legal formalism and to the sort of jingoistic triumphalism with which contemporary cosmopolitanism, on the brink of degenerating into little more than 'the normative gloss of globalised capitalism' (at 176), tends to market itself. Nevertheless, he denounces Kennedy's recommendation that international humanitarians abandon their (partly self-imposed) position on the margins of decision-making and assume the hard responsibilities of governance, assessing and acting in the light of the distributive costs and benefits of specific proposals and initiatives. In Douzinas' view, this is a profoundly conservative manoeuvre, one that is ultimately tantamount to an admission of defeat before 'the ideology of American nationalism at its imperial stage' (at 223). In fact, Douzinas argues, such pragmatism would effectively substitute a 'humanitarian-military project' for the already existing 'industrial-military complex' (at 225), backhandedly bringing human rights within the reach of governmental networks wielding much the same sort of power in opposition to which they were originally crafted. Douzinas may well be overstating his case here, but his attempt to draw a hard-and-fast distinction between Kennedy's call for a strategically self-conscious mode of technocratic 'rulership' and his own commitment to resuscitating human rights' quasi-messianic ambitions is an exceptionally significant one. If rights are to retain their emancipatory edge in an age that is increasingly prone to couching its wars of retribution and occupation as necessary evils *en route* to the attainment of perpetual peace, a considerable measure of vigilance is required to keep them from being subsumed beneath the rubric of the new arsenal of governmental techniques with which the 'post-9/11' West has armed itself. After all, what presents itself as a bold acceptance of responsibility may, on closer inspection, prove to be substantially indistinguishable from accommodationist opportunism. Douzinas' work is invaluable in this regard, laying the groundwork for a form of cosmopolitanism which neither clings unquestioningly to the humanitarian tradition nor permits itself to be captured by the machinery of an ostensibly mature and conscientious pragmatism. A form of cosmopolitanism, in

other words, which not only makes room for the possibility of a renewed engagement with the radical force of human rights but positively *demand*s such engagement.

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