

JOURNAL OF CRITICAL
GLOBALISATION STUDIES

Journal of Critical Globalisation Studies, Issue 1 (2009)

ISSN 2040-8498

Editors

Yajai Bunnag
Nathan Coombs
Anthony Cooper
Christopher Perkins
Pepijn van Houwelingen

Editorial advisory board

Chris Rumford
Sandra Halperin
Stefanie Ortmann
Larbi Sadiki
Nathan Widder

Journal affiliations

The *Journal of Critical Globalisation Studies* is supported by the Royal Holloway Faculty of History and Social Sciences fund for research activity 2009/10, in conjunction with the Politics and International Relations Departmental Research Committee. The journal is also supported by a fund from the New Political Communications Unit in the department. The journal is associated with the British International Studies Association working group: Global and Transnational Politics.

Acknowledgements

A big thank you to our colleagues in the Department of Politics and International Relations at Royal Holloway, University of London. Without your support this journal could not have come to fruition. Thanks also to Costas Douzinas, Oscar Guardiola-Rivera and Stephen Hopgood for showing support for the journal. Our gratitude to David Broder for designing the journal's cover. And thanks to all our contributors for putting their faith – and scholarship – in the hands of this new, and uncertain, initiative.

© *Journal of Critical Globalisation Studies* 2009

<http://www.criticalglobalisation.com>

terrorism' and refusal to capitulate in the face of political suspicion, cultural isolation and social scorn might serve as a heartening model for working towards the overcoming of fear, hatred and violence in the region. Let us therefore hope, with Mark LeVine, that it will be the scruffy kids with the black t-shirts that will have the last laugh.

The Paradox of Human Rights

A Review of *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* by Costas Douzinas. Abingdon: Routledge-Cavendish, 2007, pp. 336, ISBN: 978-0-415-42759-3, Pbk £27.99

By Yasmine van Wilt

Costas Douzinas' *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* should be in the library of every human rights scholar and political activist. A pointed examination of whether there "is an intrinsic relationship between human rights and the recent wars carried out in their name" (p. 100), this book examines the antithetical relationships between cosmopolitanism, benevolence and the ethical uses of power. Separated into two main sections comprised of fourteen essays, the book firstly dissects the history of human rights, and secondly examines the philosophy of 'cosmopolitan law'. Continuing Derrida's landmark work on cosmopolitanism and Foucault's philosophical dissections on power and state, Douzinas forges his own critical assertions of the role of state power in human rights litigation. His findings, most particularly his examination of US and UK bio-political power, raise serious questions about the position of the corporation in neo-colonialism. Indeed, his dissection of the 2006 UK identity card raises more questions than it answers (in keeping with Douzinas' persistent claim that "human rights have only paradoxes to offer"; p. 33), revealing the invisible and deeply ingrained links between the policing body and bio-political power.

Douzinas compellingly argues that human rights have become the lingua franca of the neo-imperial state: indeed, as he illustrates, non-profit organisations, multi-national conglomerates, and individual states perpetuate a kind of propaganda-sensationalism in which, paradoxically, pseudo-benevolent acts of war and peace alike are waged in the name of human rights. Human rights become not simply a tool to protect the *homo sacer*, the *persona non grata*, and delineate the most basic rights of the human, but have become "the tools of the new society" and the justification for "military humanism" (p. 208). Furthermore, he cites the torture of detainees at Abu Ghraib and Guantamo Bay as examples of US re-interpretation (and blatant

violation) of human rights law (in the name of morality and the protection of 'freedom'). Douzinas' examination of these and other situations, such as the occupation of Iraq, reveals the often tenuous link between humanitarian action, ethical jurisprudence, and international human rights law. What legal right did the US government have in the detainment and torture of the citizens held at these camps? What international jurisdiction permits the effective kidnap and barbaric treatment of human beings? Douzinas posits that the pre-emptive moral codes created by the US have had such extensive effects on global jurisprudence, that human rights have become thoroughly distorted.

This distortion of human rights law can be directly linked to decisions regarding whether or not the US and UK should have occupied and waged war on Iraq. Douzinas enumerates how nearly the entire international law community decided that occupation was illegal, and yet was somehow seen as justifiable based on moral precepts. Thus, for better or worse, this landmark 'legal' decision has re-fashioned the due process of law and the precepts of human rights. Suddenly, moral 'legitimacy' outweighs legality. Paradoxically, humanitarian military action may be illegal, but can still be 'permissible' according to the international community's re-determining of the role of morality in the human rights debate. Military humanism and benevolence are now somehow perceived as the duty and right of the 'free world'. And as such, anything which jeopardises the supremacy of this new, free, imperial bloc, warrants 'proportionate response'. As a result, to put it plainly, the powerful, now as always, determine the human rights of the weak. The only difference between pre-modern and modern interpretations of power is that the right to determine the fate of the weak has now, paradoxically, become if not legally, morally acceptable.

As Douzinas argues, human rights have been "bifurcated ... into a juridical component and its moral foundation and justification. Despite their differences, morality and legality share the same foundation and a similar kind of universal validity" in which "humanitarian wars ... repel the barbarians and impose order on the frontiers of empire" (pp. 208-9). In this mutation, the triumphs of post-World War II international law vanish.

The proud and self-proclaimed achievement of legal modernity was precisely the exclusion of ethics from the realm of law. Morality was excluded from legal domain because of the modern experience of relativism and pluralism and the fear of nihilism. For a positivist lawyer, law is the answer to the irreconcilability of values, the most perfect embodiment of human reason. Its operation should not be contaminated by extrinsic, non-legal considerations, such as morals, ideology, or politics. (p. 204)

Douzinas' reader is left to wonder, what then, is the point of a criminal discussion of war and military occupation if morality can and does currently veto law ad hoc and ad nauseum? And whose morality should serve as the *tabula rasa* for this *terra nullius*? Douzinas indirectly raises the question of whether or not these moral

constructs of the powerful might not actually be the mirror of terrorism. Surely, if wars can be waged pre-emptively, reactions to occupation and invasion would seem to refer back to early questions of the role of sovereignty in war?

Douzinas' critical lens scrutinises the very bedrock of modern society and offer possibilities for re-interpreting the human condition. There is simply no way to do justice to this books' contribution to knowledge in such a brief review. Costas Douzinas' *Human Rights and Empire: The Political Philosophy of Cosmopolitanism's* muscular social agenda and insightful contribution to the canon of human rights law and the study of cosmopolitanism make it one of the most important critical books of the last decade and perhaps the seminal study on human rights.

Turning Away from Reality?

A Review of *Africa's Turn?* by Eduard Miguel (ed.). Boston: MIT Press, 2009, pp. 144, ISBN-13: 9780262012898, £9.95

By Tyce Shideler

In *Africa's Turn?*, Professor Edward Miguel paints an optimistic picture of Africa's last ten years of economic development. He suggests that minus the potentially disastrous consequences of unchecked climate change, or a reemergence of the extreme violence just 'below the surface of politics,' Africa can expect to experience continued economic growth and improved livelihoods in the future. Yet a critical part of *Africa's Turn?* consists of the edited responses to his thesis by nine other experts in the field (Olu Ajakaiye, Ken Banks, Robert Bates, Paul Collier, Rachel Glennerster, Rosamond Naylor, Smita Singh, David N. Weil, and Jeremy M. Weinstein). The critical consensus of these responses casts doubt on Miguel's upbeat assessment of Africa's prospects and suggests that his is a painfully selective look at developments on the continent. Nonetheless, many of the respondents also follow Miguel in failing to fully understand the significance of the newfound influence of China.

Miguel's thesis

He begins his discussion in the small Kenyan town of Busia, near the Ugandan border, in the late 1990s. The perceived "African Renaissance" is evident from the increasingly omnipresent sight of ATMs, supermarkets, internet cafes, car rental businesses, cell phones and hotels, ostensibly denoting a new era in African economic and social