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Lynn Hunt, *Inventing Human Rights: A History*. New York and London: W. W. Norton & Company, 2007. 272 pp. Illustrations, notes, and index. \$14.95 U.S. (pb). ISBN 978-0-393-33100-8.

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Modern national governments always claim to represent and defend the rights of the people whom they govern. These governments may range from authoritarian dictatorships to constitutional monarchies, small republics, or large representative democracies, and they often define “human rights” with a quite different emphasis on individualistic or collective themes: the right to vote, defend national sovereignty, practice religions, use different languages, speak freely in public, attend school, receive social benefits, own property, hold a job, or enter a hospital. Although the exercise of such rights varies enormously for women and men in different societies around the world, the public affirmation of “human rights” has become common even in places where governments regularly ignore or repress them.

The Soviet Constitution of 1936, for example, proclaimed the fundamental rights of free speech and religion, and Stalin’s repressive regime asserted its commitment to the abstract “rights of man” while it dispatched millions of people to prisons or death. Modern nations also justify their military actions and international policies by claiming to protect the rights of their own people or the rights of others who are oppressed; and the ideological arguments for modern imperialism defended Western colonial systems as a means for advancing the human rights of colonized peoples in Asia and Africa. Promoting the “rights of man,” after all, became a theme in France’s global “civilizing mission” during much of the nineteenth and twentieth centuries.

The pervasive influence of “human rights” in modern history thus raises the historical questions that Lynn Hunt explores in her concise, well-argued new book, *Inventing Human Rights: A History*. How and why did the belief in universal human rights emerge in modern world history? Hunt strongly supports the modern political campaigns for these rights, yet she recognizes that the belief in their existence was by no means “self-evident” before the eighteenth century. Famous writers such as Thomas Jefferson, Thomas Paine, Jean-Jacques Rousseau and many of their contemporaries began to describe the “rights of man” as a deeply embedded, “natural” component of human life, but this idea only became “evident” to modern thinkers after millennia of human history in which nobody assumed that people were actually free and equal in their individual possession of universal rights.

Hunt therefore argues that a coherent political, legal, and cultural belief in human rights could only emerge after wider historical changes had created a new conception of selfhood in eighteenth-century Europe and America. Hunt’s emphasis on the trans-Atlantic aspects of this historical transformation might in fact be compared to R. R. Palmer’s classic, two-volume work, *The Age of the Democratic Revolution* (1959, 1964). Like Palmer (though in a much shorter book), Hunt argues that the late eighteenth century marks the decisive starting point for modern political cultures and governments, that America and France made the most influential contributions to the distinctive, new aspects of national politics and institutions (democracy for Palmer, human rights for Hunt), and that the legacies of the American and French Revolutions remain essential for the continuing development of enlightened societies and governments in our

own time. Palmer wrote about the democratic revolutions shortly after the catastrophic events of the Second World War and during the dangerous conflicts of the Cold War, so he described political events and movements which (despite their own violence) offered enduring historical alternatives to the dictatorships and world wars that his generation had confronted in the twentieth century.

Hunt is writing in a different historical context, of course, but she is also deeply concerned with the modern history of dictatorships, total war, and genocide; and she shares Palmer's interest in reaffirming certain ideas of late Enlightenment-era, Western culture in a world that still faces the repressive reality of religious intolerance, torture in government prisons, and many other assaults on human rights—from the sex traffic that enslaves young girls to the “ethnic cleansing” and forced removal of vulnerable populations who live in disputed territories. As Hunt notes in her forcefully argued conclusion, the campaign for human rights is a constantly expanding project that remains as relevant today as it was in 1776 or 1789 or 1948; and the struggle for basic rights continues because earlier advances can always be overturned in the future. Who could have imagined in the mid-nineteenth century, for example, that the governments of modern, democratic societies would revive the use of torture in the twentieth and twenty-first centuries? Hunt therefore uses the history of human rights to raise pointed questions about contemporary events for readers both within and beyond the community of academic historians. Her concluding affirmation of human rights, however, does not fully examine the political or cultural challenges that the eighteenth-century conceptions of human rights now face, and I will come back to this issue at the end of this review.

The discussion of Hunt's argument should begin with her persuasive historical account of how “human rights” were invented in the eighteenth century. I have noted that her emphasis on trans-Atlantic exchanges and political transitions might be compared to Palmer's description of the democratic revolution, but Hunt adds a great deal to the older political narratives of this era. She is especially adept at showing how cultural history expands our understanding of political and legal history. Placing the transitions of political theory in a broad cultural framework, Hunt argues that the arcane debates of political thinkers and legal scholars could only gain significant public influence after other cultural changes had shaped a new conception of individual selfhood.

People had to develop a new “sense of empathy” for others—including persons in the lower social classes—before they could imagine that all people might possess equal legal or political rights. Hunt finds this new view of equality emerging partly in the responses to popular epistolary novels such as Samuel Richardson's *Pamela* (1740) and *Clarissa* (1747-48) and Rousseau's *Julie, or the New Heloise* (1761). These novels attracted a huge audience and encouraged readers to identify with women characters whose rich interior lives showed psychological and emotional complexities that people of all social classes could share. Readers therefore came to empathize with individuals in different social classes, Hunt argues, because the personal encounter with literary characters helped them see a resemblance between themselves and the emotional lives of others. “Human rights could only flourish when people learned to think of others as their equals, as like them in some fundamental fashion,” Hunt writes. “They learned this equality, at least in part, by experiencing identification with ordinary characters who seemed dramatically present and familiar, even if ultimately fictional” (p. 58).

The growing influence of novels may help explain a new sense of empathy among the literate classes, but it does not explain how literature could have influenced the many non-readers in eighteenth-century Europe. Hunt acknowledges this problem and then draws on recent scientific research to suggest that the human brain may carry a capacity for identifying with others. Pushing the biological theme further than most historians might extend it, Hunt notes that biology and culture may have merged in a new social tendency to “empathize” with others.

Whatever the exact sources of this evolving sensibility, new conceptions of human bodies, judicial punishments, and individual rights had clearly emerged by the later decades of the eighteenth century.

Although Hunt's discussion of literary empathy and the influence of brains provides a somewhat speculative explanation for the changing views of selfhood, she moves on to firmer historical ground when she describes new attitudes toward torture and the physical punishment of suspected criminals. Summarizing the critical responses of Voltaire and others who wrote about the torture and abuse of Jean Calas, the French Protestant who was put to death in 1762 for allegedly murdering his son, Hunt shows how legal reformers began to condemn torture and traditional punishments such as "breaking on the wheel." The most important critic of torture was the Italian writer Cesare Beccaria whose influential *Essay on Crimes and Punishments* (1764) argued that the human body should be respected because physical pain failed to elicit true confessions and also violated the alleged criminal's right to "public protection."

The human body thus took on new meanings as legal theorists redefined the limits of a "just" punishment, but these abstract theories gained a stronger cultural influence when people also developed a new sense of personal privacy, a new artistic interest in individual portraits, and a new respect for the "separateness" of each individual's physical being. The historical evidence for these transitions is extensive, so Hunt can explain how a new respect for the body and the body's interior self could help shape new campaigns for reforms in the judicial system, the abolition of slavery, and the legal prosecution of nobles who abused their domestic servants. The new attention to human bodies, in short, contributed to a wider cultural emphasis on the autonomous selfhood of individuals. Defined now as autonomous, sentient beings whose bodies should be respected, individuals could be viewed as "rights-bearing" persons without reference to their social estate, their family or (ultimately) their religion.

The more individualistic conceptions of selfhood, however, could only influence a new political culture when they became linked to new collective identities. Hunt thus attributes the invention of human rights to an additional, essential change in late eighteenth-century cultures: the new interest in *declaring* the universal rights of sovereign people who embody a nation. She stresses the significance of America's Declaration of Independence, for example, which asserted that governments derive "their just powers from the consent of the governed" and claimed that when a government breaks from this principle, "it is the Right of the People to alter or to abolish it." The French soon followed the Americans with their own "Declaration of the Rights of Man and Citizen," which explicitly affirmed that "all sovereignty rests essentially in the nation" rather than in the king or his government.

Hunt's argument for the historical significance of these famous political documents follows a more traditional narrative about how the new political culture broke away from religion or monarchy as the legitimating foundations for governments and collective communities, but here, too, she emphasizes the importance of a new language ("declaring") and a new conception of human identities ("the people" and the "nation" as well as individual selfhood). This new language about identities helped to justify a belief in individual liberty, legal equality, free speech, freedom of religion, and national independence. And the various changes in the cultural understanding of human bodies, autonomous selfhood, and the shared, collective life of the "people" led finally to the "self-evident" truth of human rights.

After tracing the diverse cultural and political changes that fused in the invention of human rights, Hunt's later chapters show how the "rights of man" were gradually extended to new categories of previously excluded people. As Hunt describes it, the formal declaration of universal rights made it difficult for governing elites to limit the rights of religious minorities, racial minorities, or the lower social classes—all of whom consisted of individuals who could now claim equal rights for themselves. Although the English and Americans led the way in declaring certain political rights, Hunt explains how the French moved ahead of other nations in granting rights to minorities and in abolishing slavery during the most radical phase of their Revolution in 1794. These advances became possible as the rights for each additional group became "thinkable" because of the inexorable logic of equal rights. Once the principle of equal rights was established as a universal, self-evident truth, it could be applied (in turn) to Protestants, Jews, free persons of color and enslaved people in the French colonies.

Indeed, women were ultimately the only significant group of adults for whom equal rights remained generally “unthinkable” in the 1790s, though Hunt notes that women also gained new rights to divorce and to inherit property. A few French radicals such as Condorcet and Olympe de Gouges also tried to place the political rights of women on the agenda for public debate and reform, but they failed to achieve their goals. The “logic” of human rights nevertheless remained available for the future generations who would eventually win the struggle for women’s suffrage and other rights in twentieth-century Europe and America. Having gained acceptance as a fundamental idea in modern political cultures, the principle of human rights eventually pushed social and political life toward major, “now-thinkable” reforms in almost every part of the world.

Hunt’s story of human rights, however, does not become a history of constant progress. On the contrary, her concluding chapter on “why human rights failed, only to succeed in the long run” examines ideologies and political movements that successfully resisted the push for equal human rights after the revolutionary and Napoleonic era came to a close in 1815. Bonaparte’s imperialism was itself responsible for much of the early backlash against “equal rights,” because the French army forcefully imposed concepts of religious freedom or legal equality on many people who had no desire to introduce such reforms in their own societies. As anti-French sentiments grew into new national identities, the campaigns for human rights came to be seen as dangerous, foreign impositions on local traditions and beliefs. Meanwhile, Napoleon repressed many of the “rights of man” within France as he consolidated his control of French institutions and created an autocratic political system.

Powerful, enduring challenges to human rights also developed in conjunction with the later nineteenth-century ideologies of nationalism, racism, imperialism, and anti-Semitism, all of which denied the universalist claim that every human being holds certain inalienable, equal rights. Nationalists celebrated the superiority (and special rights) of their own people, racists and imperialists assumed that the white, European race was superior to all others (for whom equal rights could thus be legitimately denied), and the anti-Semites insisted that Jews were an “alien” people who should be excluded from the key institutions of social or political life. The other new influential “isms” of the late 19th century—socialism and then communism—viewed property rights as an obstacle to political or social equality, and Marx never had much interest in defending abstract “rights of man” that could become a theoretical rationale for the exploitative use of property and workers.

Hunt notes that these “anti-rights” themes coalesced in the dictatorships and horrific world wars of the twentieth century, but the reaction to this modern barbarism led finally to a post-1945 reaffirmation of earlier ideas in the important “Universal Declaration of Human Rights” that the United Nations approved in 1948. The anti-egalitarian “isms” that had dominated so much political and cultural life during the first half of the twentieth century were discredited after 1945, thus giving the UN the strongest possible reasons to place human rights permanently on the modern, international political agenda. To be sure, Hunt notes the ongoing abuse of human rights, the persistence of slavery and the modern use of torture by the early advocates of universal rights (France in Algeria, the United States in Iraq). The struggle for human rights, as she soberly recognizes, is never a finished project; but she argues that the idea of universal rights is now firmly established in all democratic nations, in international institutions such as the UN, and in modern conceptions of human identity.

Although Hunt examines the recurring political and international threats to human rights, she might have extended her analysis with a fuller account of the recent theoretical or intellectual challenges to the eighteenth-century conceptions of natural rights. Perhaps she views these influential criticisms of “human rights theories” as too abstract to explore in a book that seeks to reach a broad public audience, but the theoretical critiques raise recurring questions for the defenders of universal rights. Hunt’s argument would thus be strengthened if she had provided a careful, concise response to some of the ideas that have shaped contemporary criticisms. The first of these critical challenges, though limited

mostly to philosophers and post-modern cultural theorists, rejects eighteenth-century beliefs in the existence of “natural” rights and an autonomous selfhood (the important Enlightenment idea which Hunt describes in her accounts of empathy, literature, the body, and legal reforms). This modern critique of “natural rights” uses new theoretical languages, but the critical themes go back to the earlier arguments of writers such as Edmund Burke and Jeremy Bentham who rejected the idea of inherent, natural rights and argued that rights are (as we might now say) culturally and historically constructed.

Hunt refers to these earlier critiques of natural rights, and her own history of human rights actually shows how this “cultural construction” developed in specific places and cultures during the eighteenth century. She does not directly confront the anti-foundationalist, philosophical critique of human rights, however, so she does not give a detailed theoretical response to the argument that rights cannot be derived from nature or some other permanent foundation. The historical response to this critique would presumably stress that human rights do not exist in nature or self-evidently in the human soul, yet the history of human societies has shown that the abuse of human rights leads to barbarism, brutality and death. Hunt could stake her claims on evidence from a wide range of historical eras and cultures to show why the belief in and protection of human rights has become an essential component of stable, democratic political and legal systems. In any case, Hunt’s conclusion would become even more persuasive if she confronted the anti-foundationalist philosophical critique with a more explicit discussion of why history rather than nature or “natural law” now offers the best argument for human rights.

Hunt’s concluding argument could also be strengthened if she addressed the cultural critique that portrays “universal” human rights as simply a specific Western cultural conception of autonomous selfhood. This critical assessment of “human rights” in various post-colonial societies suggests that the idea of personal rights was imposed on non-western cultures through imperial conquests that have nothing to do with universal truths (much like Napoleon imposed French ideas on other Europeans after 1800). Hunt’s argument for human rights thus needs to address this theme of cultural differences more directly, perhaps by showing how other cultures outside the West have also developed their own conceptions of human rights.[1] Despite her extensive consideration of anti-universalist ideas such as nationalism and racism, Hunt does not discuss other “isms” that have also challenged the universalism of human rights: for example, cultural relativism, anti-colonialism, and post-colonialism. Again, the theoretical and historical themes in Hunt’s concluding argument could become even more forceful if she explained why cultural relativism or anti-colonialism should not be used to justify the denial of human rights.

These missing themes in Hunt’s work point to an interesting contrast with the concerns of another leading historian of modern France, Joan Wallach Scott, who has also written extensively on the meaning of human rights.[2] Scott, like Hunt, notes the contradictions in a French culture that long claimed to protect universal human rights while denying numerous political and legal rights to women and (more recently) denying certain rights to Muslims.[3] Where Hunt resembles R. R. Palmer and many others in stressing the long-term liberating consequences of the eighteenth-century conceptions of human rights, Scott tends to emphasize the French suspicion of difference and the difficulty of allowing for multicultural diversity whenever the French actually implement their ideals of “universal” rights. The most recent books by two leading American historians of France thus represent two sides of the on-going political and cultural debate about the relation between the “universal” and the “particular” or between collective national identities and specific expressions of cultural or gender differences. Hunt sees the defense of universal human rights as the surest way to defend the rights of cultural or religious diversity, whereas Scott (who also believes in equal political, social, legal, and religious rights for all persons) calls historical and political attention to the danger of using universal principles to suppress cultural differences.

The contemporary political commitments of these two creative, insightful historians may not be all that

different, but their accounts of modern French history develop a contrasting emphasis on the advantages and possible dangers that follow from a belief in universal human rights. A careful historical analysis of human rights within France and in other parts of the world needs to consider both the universal and the particular, or what we might call the “Hunt emphasis” and the “Scott emphasis.” Hunt rightly stresses the long-term liberating effects of the struggle for universal human rights, but Scott shows how the campaigns for these rights should also recognize and mediate the complexities of cultural diversity. Hunt focuses on the modern conception of similarities among human beings, whereas Scott reminds us that important human differences never disappear.[4]

Although Hunt’s narrative could include more discussion of the recent critiques of human rights, her book makes a highly readable, engaging contribution to the history of modern political and cultural life in Western societies. It therefore provides the kind of wide-ranging overview that students need in order to understand the historical development of national cultures and contemporary public debates. At the same time, however, her book will become essential reading for specialists in French history who continue to debate the complex relation between the universalizing claims of French political culture and the specific policies of France’s modern national governments. Maintaining this connection between universal principles of human rights and specific government actions is of course an equally important issue in the United States, as Americans have learned again in the recent history of prisons at Abu Ghraib and Guantanamo Bay. How do we establish and sustain a belief in human rights, what do they mean in practice (not just in theory), and how do we find the historical, cultural and political resources to protect them? These are the questions that Hunt explores in an insightful historical narrative that will now become part of the long-developing debate that she describes.

NOTES

[1] One starting point for further, cross-cultural exploration of human rights appears in the important work of Amartya Sen, whose writings could be useful for the expansion of Hunt’s argument. See, for example, Sen’s essay, “Human Rights and Asian Values,” which was published by the Carnegie Council on Ethics and International Affairs in New York in 1997, and his commentary on cultural identities, civilizations, and rights in *Identity and Violence: The Illusion of Destiny* (New York: W. W. Norton & Company, 2006).

[2] See, for example, Joan Wallach Scott, *Only Paradoxes to Offer: French Feminists and the Rights of Man* (Cambridge, Mass.: Harvard University Press, 1996) and Scott’s more recent account of the campaign to ensure women’s participation in French political institutions, *Parité: Sexual Equality and the Crisis of French Universalism* (Chicago, Ill.: University of Chicago Press, 2005).

[3] Joan Wallach Scott, *The Politics of the Veil* (Princeton, N.J.: Princeton University Press, 2007). This book examines French debates that preceded and followed passage of the law that bans the wearing of headscarves or the “veil” by Muslim girls in French public schools.

[4] People who study and teach about France in the United States are often asked how or why the study of French history should matter to Americans. This question arises especially during the periodic waves of anti-French feeling that sweep over American political and popular culture whenever French-American relations become strained (the lead-up to the Iraq war provides a good recent example). The history of human rights thus becomes an excellent subject for explaining why French history is important and why some of America’s best historians have spent their professional careers trying to explain and understand France. I have mentioned three such historians in this review—Lynn Hunt, R. R. Palmer, and Joan Scott—all of whom have used French history or the history of French-American similarities and differences to explore wider issues of modern history. The work of these historians (and many others, of course) offers outstanding examples of how Americans can think creatively and critically about their own society through a sustained engagement with the provocative and complex history of France.

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