Review - Reconstructing Human Rights

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Reconstructing Human Rights: A Pragmatist and Pluralist Inquiry in Global Ethics
By Joe Hoover
Oxford: Oxford University Press, 2016

In this remarkable and innovative book, Joe Hoover advances a theory of human rights that does not seek to answer the questions on their foundation or justification, but rather attempts to understand how they work in practice. Hoover is inspired by the philosophy of John Dewey and *Reconstructing Human Rights* is another example of how philosophical pragmatism is gaining momentum in contemporary political theory and in the study of international affairs. The fundamental idea of philosophical pragmatism is that truth is not in a transcendent world that we can reach with abstract reflection on universal ideas, but is instead in the world of practice. Ethical reflection must consider how values and ideas work in practice as they are embedded in the actual relationships with our environment, in our particular and contingent actions, in the current practices of human beings involved in political struggles.

The presupposition of the argument defended in this book is that the world is characterized by a 'deep pluralism', in which ideas, beliefs, values are deeply contested. This should not be regarded as a threat or an obstacle to be overcome in order to find a firm and universal foundation for political order. Values incommensurability cannot be superseded and should instead be acknowledged and accepted. The best way to face 'deep pluralism' is, according to Hoover, a 'situationist ethics' inspired by Dewey's philosophy. According to Dewey, 'our fullest knowledge of truth' can be reached when our critical intelligence is forced to face problematic situations of values conflict (pp. 115-117). These challenging moments—in which our customary or well-established ethical ideas are tested against the world of practice—lead to a reconstruction of our ethical ideals, which are never fixed but always changing. Human rights, Hoover argues, should then be regarded not as immutable truths about human nature, or as the firm ground for political authority, but as an evolving practice, an ideal 'that is self-consciously open to reinterpretation' (p. 102).

To reach this result, Hoover examines some mainstream political theories of human rights, such as those of Slavoj Žižek, John Rawls, James Griffin, Martha Nussbaum, Sheila Benhabib, Michael Walzer and Jurgen Habermas, among others. According to the argument presented in the book, all these thinkers attempted that 'quest for certainty' deprecated by Dewey. Here, the core of the argument focuses on a reflection on the relation between ethics and politics. What all these thinkers share is the idea that ethics is prior to politics and that the role of the theorist is to identify firm ethical foundations of the legitimate political order (p. 101). With regard to human rights, traditional theory, be it liberal, communitarian, nationalist or cosmopolitan, focuses on question of ontology, by defining the community to which human rights apply. Instead, the starting point of the theorist should not be a certain idea of what is human but instead the actual social movements that act in defence of human rights and that, through their actions, redefine the meaning of rights.

Let's consider Hoover's argument against Nussbaum as an example. As is well known, in various works on the capabilities approach, Nussbaum tries to define a universal standing point from which we can critique oppressive and inhuman cultural practices. In Nussbaum's theory, especially when we look at the condition of women in developing countries, what they need is greater autonomy as individual (pp. 41-46). However, Hoover argues, if we look at the actual 'struggle for a human right to housing in the US' as carried out by ONE DC in Washington, we see

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that the emphasis is much more on the community than on the individual, as in Nussbaum. According to the book's line of argument, this shows how theories of human rights are often wrong when they lose contact with the real world and the experience of those concerned (p. 46). However, to underline the importance, as Hoover does, of the way in which political ideas and institutions actually work in practice, does not mean to abandon the attempt to find a truth that goes beyond the particularity of each singular case. The fact that the quest for certainty is difficult, and can never actually be accomplished, does not mean that the various attempts to reach a universal truth, on human rights as well as on other important issues, is futile and without fruit.

The purpose of *Reconstructing Human Rights* is also to argue that, if we look at the particular ways in which human rights are used in actual political struggles and if we abandon grand-theory, it is possible to grasp the deeply democratizing and radical character of human rights (pp. 187-201). Looking again at the examples of the fights for housing rights in the US after the 2007 crisis, Hoover notes that these are often based on extra-legal practices such as occupation and eviction defence (pp. 203-204). Human rights, then, should not be regarded as the ground for legitimacy of the established order, but rather as a 'mode of contestation' (p.211), tools for 'altering the social world' (p. 207). Individuals are using the language of rights 'to empower themselves and their communities' (p. 206). *Reconstructing Human Rights* has the merit to note both that human rights should not be considered as crystallized, and that they run the risk, at both the domestic and international level, of becoming the instrument of oppression and conservation of the status quo. At the same time, in the examples provided by Hoover (which refers mainly to the US), it is also true that the success and the existence of those social movements was made possible by the existence of a fragile liberal order, which granted for example the possibility of free association, and of the rule of law.

In sum, this book offers a fresh and original understanding on human rights and contributes to the reflection on the nature and role of political theory. At a time when the Humanities are asked to justify their own existence and to prove that they have impact on the practical world, this book answers this concern by suggesting interdisciplinary research on the role and meaning of human rights in actual political activity, and in the practices and ideas of the actors (in particular social movement and political activists) involved.

About the author:

Davide Orsi (Ph.D. in Politics and International Relations from Cardiff University, 2015) is Editor-at-Large and Deputy Articles Editor at E-IR. His first book *Michael Oakeshott's Political Philosophy of International Relations: Civil Association and International Society* (Palgrave, 2016) explores the historical and normative dimension of international society by relating Oakeshott's philosophy of civil association to English School theories of international relations. He has published work in journals including the *Journal of International Political Theory, Filosofia Politica, Intersezioni, Collingwood and British Idealism Studies,* the *European Legacy,* and the *British Journal for the History of Philosophy.* He is co-editor of *Realism in Practice: An Appraisal* and editor of *The Clash of Civilizations. Twenty-Five Years On,* both published by E-International Relations in 2018.