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BOOK REVIEW

Looking at Human Rights Through a Near-sighted Single Lens

Samuel Moyn, *Christian Human Rights*, University of Pennsylvania Press, 2015,
ISBN 978-0812248180, 260 pp.

1. Introduction

In *Christian Human Rights*, Samuel Moyn sets out to turn some well-rooted assumptions upside down and reshape the historical landscape of human rights. The human rights we know today, he argues, did not originate in the Enlightenment, nor did they arise from the 1776 American Declaration of Independence or the 1789 French Declaration of the Rights of Man and of the Citizen; neither were they a response to the atrocities and horror of the two world wars or the Holocaust. Rather, they originated in the 1930s and 1940s and gained currency only in the late 1970s.

Moyn stresses that his main challenge was ‘isolating the crucial period for a strong ideological link of Christianity with human rights’ (p. 6). He is in particular unpleased that the annunciation of human rights in the 1940s is viewed as the triumph of liberal democracy. He admits that it was conservative Christianity that embraced liberal principles and human rights, but does not agree that it was a victory for liberalism (pp. 8-9). The focus of the book is, therefore, on the ‘victory’ of Christian human rights as a conservative Christian achievement in the 1940s; an achievement that the secular left would later take ownership of (p. 23). Moyn’s general thesis is

that the human rights project was neither secular nor left and should be regarded as a project of the Christian right (p. 8). His book is in fact an attempt to claim back the victory for conservatism.

In his review on *The Last Utopia*, Lindkvist stresses that Moyn's work is not 'a full-blown attempt at a definite history of human rights in the modern age' but a 'critique of the standard narratives of human rights history'.¹ He describes Moyn's work as reading 'close to everything that has been published on human rights history through the lens of connecting historiographies'.² It, however, seems that Moyn is reading everything too 'close' and through a single 'lens'. Instead of isolating his subject, he isolates his view. He looks at human rights through a single lens of conservatism, which also proves to be very near-sighted. His approach seems more ideological than historical and not that of a historian. This prevents him from seeing the facts as they actually were, not as some conservatives saw, or wished to see, them.

It would have been easy, even unnecessary, to dismiss Moyn's claim about 'young' human rights, if it was based on the same measures used to judge the Earth 'young' and only a few thousand years old. However, he has put forward some historical evidence for his claim that requires examination. In this review, I will examine the cogency of Moyn's thesis. I will argue that Moyn's theory is misconceived in content and flawed in methodology. He fails to make his case and the evidence he puts forward is too insignificant, isolated and limited.

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¹ Linde Lindkvist, Review article on *The Last Utopia*, 13 *Journal of Human Rights* (2013), pp. 357–58.

² *Ibid.*

2. Invention of Human Rights

According to Moyn, it was Christians who did much, perhaps most, to define the idea of human rights in the 1940s, as well as some of its core notions such as the importance of human dignity, which nobody else was yet making central in 1942 (p. 6). In other words, he claims that Christianity invented human dignity and rights (p. 170). During that period, Christian figures such as Pope Pius XII started a process that led to ‘eventual ideological association of human rights with Christian conservatism’ (p. 16). For Moyn, Pope Pius XII’s Christmas Day speech in 1942 is a ‘critical turning point’ that ‘defined history’ (p. 2) and the most prominent during WWII and ‘likely in the whole history of political claim-making to that date’ (p. 3). There are some major claims in these statements that I will discuss separately.

2.1. *Continuity vs Novelty*

The first problem with Moyn’s claim regarding the recent invention of human rights by Christian figures such as Pope Pius XII is that even the Pope’s successors do not seem to comprehend these events in the same way that Moyn hopes his audience will. Pope John Paul II, for example, accepts that human rights arose with profound connections to Christian contexts but in an abstract way and a long time ago. For him and many other Christians, it is the rather old Christian lineage that helps explain the idea of human rights today. In 2003 John Paul II emphasised that it was from ‘the biblical conception of man’ that Europe drew the best of its humanistic culture and advanced dignity as the subject of inalienable rights (p. 5). This does not support the ‘novelty’, or in other words discontinuity, that Moyn wants to attach to the events in the 1930s and 1940s.

To Moyn's credit, he contends that 'no one could plausibly claim – and no one ever has – that the history of human rights is one of wholly discontinuous novelty' (p. 5). Although, elsewhere, he asserts that 'Christian human rights were injected into tradition by pretending they have always been there' (p. 5). Nonetheless, he firmly believes in the 'invention' of modern human rights in the era of WWII (p. 24). Moyn is not alone in the discontinuity camp and not the only one opposing the theory of linear development of human rights; but, the point of time he considers for the break from the past is strikingly recent. In order to find a strong ideological link between Christianity and human rights, Moyn stresses, one must not look so much at Jesus (or even at the Reformation), but at *novel* mid-twentieth-century interpretations of his teachings (p. 6). It was a surprising conversion of Catholic politics in the mid-twentieth century and 'a shift that led to the *centrality* of rights' (p. 10, my italics). However, Moyn does not clearly explain how central the 'idea' of rights became in conservative thought. Contrary to what Moyn claims, it seems that it was rather a change of rhetoric and a tactical move against secularism (p. 19). This does not satisfy the test of 'radical departure' in a 'robust form' that he claims (p. 5).

2.2. *Interpretation vs Invention*

More importantly, Moyn claims that the Pope's speech turned what had been secular and liberal into a set of religious and conservative values (pp. 3-4). He also claims that Jacques Maritain – who is questionably hailed by Moyn as 'the most prominent thinker of any kind across the world' (p. 72) – 'reinvented human rights as a Christian

tradition' (p. 82).³ Moyn clearly does not confine the outcome of this process to interpretation. Instead he claims that Christianity has made real, or at least visible, changes to the theory of human rights which was put into practice by post-war Christian democracies as well as in international documents. Therefore, in Moyn's view, Christian figures such as the popes and Maritain were not only the '*interpreter[s]* of human rights amongst Catholics' (p. 82) but also the *inventors* of human rights.

An 'interpreter' conveys the meaning from the original language and helps the audience understand the original subject. He may find the closest concept in the destination language or otherwise invent a new concept, but, importantly, such instrumental inventions must not be confused with the original subject. Moreover, the outcome of interpretation, basically, has no impact on the original subject matter. Moyn obviously claims otherwise. This brings us to a more general problem in Moyn's reading of the events in his book with regard to the language.

2.3. *Language vs Idea*

Moyn states that the 'language' of human rights was 'a possible new basis of Christianity's political identity' (p. 80). Similarly, he mentions Pius XII adopting 'the *rhetoric* of the rights of the person' (p. 87, my italics). Elsewhere, he refers to Christian figures who 'used' terms such as human, rights and dignity (p. 55). They certainly did. They must have also formed their own understanding or interpretation

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³ Moyn uses a variety of different verbs to demonstrate the novel and transformative nature of this process. These are some examples: Pope speech 'recrafted' the meaning of the principles (p. 3), and Christians 'redefined' (p. 10), 'reinterpreted' (p. 20), and 'reappropriated' (p. 87) human rights.

of those words. Pius XI, for instance, tried to define what he would call ‘true human rights’ and ‘true human liberties’ (p. 78). However, did they determine or change the roots and original meaning of those terms? This is what I seriously doubt and an issue that Moyn overlooks.

Moyn’s rejection of other histories of human rights depends largely on his confusing the historical development of the vocabulary of rights and the idea of rights. His book, in fact, is primarily about the usage of language and rhetoric of human rights. This level of engagement with human rights, valuable as it may be, if not combined with other substantive aspects of the history of human rights, including the development of its idea and concepts, or if assumed as the (alternative) history or conceptual genealogy of human rights, can only be misleading.

3. Invention of Dignity

Moyn claims that human dignity now provides the foundation for human rights but people must not think of human dignity as a conventional foundation. It is a ‘new’ development and only goes back to when Pius XII made human dignity the basis of human rights (p. 2). In this section I will examine Moyn’s views on human dignity at both national and international levels.

3.1. *Dignity in National Constitutions*

Moyn claims that it was thanks to Pope Pius XI and his successor Pius XII that human dignity became a major subject for Christian political discourse and was embedded

for the first time in the Constitution of Ireland (p. 15). Moyn acknowledges that the eighteenth-century philosopher Immanuel Kant had emphasised on inherent human worth and the dignity of persons. However, he claims that revolutionary and liberal secular values were not popular in the 1930s and 1940s and it was, what Moyn calls, ‘religious constitutionalism’ in Ireland that first canonised dignity.

In fact, Moyn correlates dignity with alternative (or religious) constitutionalism (p. 31), and uses a range of powerful verbs to emphasise the importance of dignity in that movement.⁴ However, to Moyn’s disappointment, although he disguises it masterfully, the reference to dignity in the Irish Constitution 1937 seems purely symbolic and insignificant. Indeed, there is only one reference to dignity in the preamble: ‘... so that dignity and freedom of the individual may be assured...’. Despite admitting that comparative scholars of constitutions ‘slight preambles’, Moyn claims that they ‘are the most meaningful and memorable parts of founding texts to citizens’ (p. 42).

Moyn also admits that hardly anyone, including no historians of Ireland’s Constitution, has considered it important (p. 39).⁵ Moyn’s more realistic position about dignity in the Irish Constitution is where he states that it had a constitutional ‘presence’ (p. 28), which means it was there. What is interesting regarding Ireland is that it was not even the first Catholic state to have a constitutional reference to dignity. For instance the Mexican Constitution of 1917 had already included dignity 20 years

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⁴ For instance he asserts that it was thanks to the Irish that constitutionalism ‘*founded on human dignity*’ (p. 32, my italics); or, ‘dignity could now have a crucial role in constitutions like Ireland that were *grounded on the Christian God and human dignity* (p. 56, my italics). He also stresses the ‘special role’ of dignity (pp. 51 and 57) and claims that ‘human dignity made its spectacular entry into world politics’ (p. 33).

⁵ Moyn accuses Mirkine-Guetzewitch of being ‘blind to the era’s true breakthrough’ i.e. ‘the creation of constitutionalism founded on human dignity’ in West Germany’s Basic Law (pp. 30-31). He states Mirkine-Guetzewitch found nothing of value in dignity (p. 32).

earlier, notably not in the preamble but in article 3: ‘with respect for the dignity of the person’. Therefore, it seems that Moyn shows so much interest in the Irish Constitution not because of its ‘novelty’ (p. 43), but because it fits with the timeframe of his central theory.⁶

So, with no importance at the time, no novelty, and with a symbolic insignificant place in the preamble, Moyn has a difficult task to assign importance to this event in retrospect. Still, he does not lose spirit and claims that it was ‘an extraordinary departure’ that was not appreciated at the time (p. 46). In general, proximity in time and coincidence are very important tools in Moyn’s methodology in this book. He uses it again and again to link various events, events that perhaps only proximity in time can actually link. Drawing attention to such coincidences is a valuable contribution, but the problem begins when he resorts to exaggeration and wants to establish his argument in the absence of any other tangible evidence.

It is a historical fact that Pius XI made one reference to dignity in his 12,000 plus word encyclical letter in 1937. It is also a fact that Pius XII made clearer references to the ‘dignity of the human person’ in his 7,000 word Christmas message in 1942. But did dignity have its roots in Christian teachings? Did the audience at the time associate it more than anything else with Christianity? Or did it automatically become a Christian concept just because the Pope mentioned it a few times? This is as

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⁶ Moyn’s theory is, in part, based on the proximate timing of the 1930s, of events such as Pius XI’s 1937 encyclical letter and his unfounded guess that the drafter of the Irish Constitution ‘*may* have made the crucial revision’ (my italics) and inserted dignity following the publication of the letter (p. 46). He also admits that the revisions and changes were uncontroversial and there is no evidence to suggest there was any dispute about them (p. 46), which may well suggest that they were deemed unimportant. In addition, Moyn admits that dignity ‘did not come up’ at all during the negotiations with the Vatican, and Pius XI did not approve the Constitution at the end (p. 48).

if human dignity was an abandoned child placed on the stairs of the church and adopted by Christianity.

3.2. *Dignity in UN Instruments*

Moyn rejects the claim of historians who see the human rights founding documents as the fruit of a multicultural communion at the United Nations (UN). In order to support this view he refers to 'the fact that the sole abstentions to the Universal Declaration of Human Rights (UDHR) were Christianity's greatest enemies, old and new: Islam and Communism' (p. 14). As a matter of fact, Saudi Arabia was the only Islamic country that, mainly for issues of gender equality and freedom of religion, did not vote in favour of the UDHR. Meanwhile, Iran was among the drafters of the UDHR and countries such as Egypt and Iraq voted in favour. So, it is clear that Moyn needs a more delicate brush to paint this picture. The Soviet bloc obviously had their own political and ideological reasons. However, none of these turned the UDHR into a Christian document.

Moyn's general claim is that Christianity incorporated its own concepts into the UN documents. It can be plausibly claimed that the incorporation of some references to the terms with religious backgrounds might have been seen as a right practical move that would make them more acceptable to various cultures. In fact, this was not seen as a problem as the drafters did not want to impose a single idea of human rights nor did they intend to bind it to any specific culture or religion. Universality and maximum possible acceptability were the main goals of the UDHR drafters and they achieved that. It should be seen in this context.

In relation to dignity, it is true that for few Catholics, human dignity might once have had a special association with conservatism. However, the global audience of the UDHR or the UN Charter – which was ratified by all the states – were not aware of, or interested in, such weak links to conservatism and therefore this was irrelevant to them. Even if they had been aware of such associations, they would not have taken them seriously as they could find much stronger associations and affiliations to dignity in history, philosophy and their religion. For Muslim states, for example, adding dignity would not have been a problem as they could trace it back to Quranic texts and Islamic tradition. So, it could be seen differently by different observers and this was one of the reasons why it survived the voting.

As discussed earlier, it must also be noted that dignity is not a specifically Christian concept. It would be a slightly different story if terms such as Jesus or Holy Spirit, or even the image of God had been used. In fact, there was such a proposal to include a reference to the Judeo-Christian doctrine of man's creation in the 'image of God' in the UDHR, which was rejected on the grounds that it would undermine the Declaration's broader appeal.⁷ However, even then it would not have changed the nature of the whole document or discourse. Injecting a religious term into a secular document does not make it religious. Even if one accepts that dignity had some association with Catholicism at that point, when it entered a secular document, analytical evidence is needed to show that it actually, and not only in the eyes of some of its enthusiasts, kept its specific religious properties. Moyn supplies nothing of this sort.

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⁷ See: Jeremy Waldron, "The Image of God: Rights, Reason, and Order" *New York University Public Law and Legal Theory Working Papers* (2010), p. 218.

4. Political Catholicism

In the aftermath of WWII, Moyn claims, Christians seized the opportunity and advanced their ideals and interests in new schemes to change the ‘international order’ (p. 13). He suggests that this ‘third way’, non-liberal and non-communist approach of Christian democracy, or more precisely, political Catholicism – as exemplified in Christian democracies such as Ireland – was in fact ‘reappropriation’ of both democracy and human rights by Christianity (p. 87).⁸

This is reminiscent of the views of some figures in political Islam who tend to see the world through the lens of their political claim. The tide of Islamism that started to rise more visibly in the aftermath of WWII had a very similar claim. It was in the exact same period that the Egyptian religious activist and the founder of the Muslim Brotherhood, Hassan Al-Banna, publicised his political theory which offered an alternative to the secular national state’s. It challenged the Westphalian world order and wished to create a new world order on the basis of Islam.

Considering that Al-Banna had founded what later became Muslim Brotherhood in 1928, one can see that it was not only in the Christian world that the urge for an alternative order was rising. The idea of course harks even further back to the introduction of modernity to Muslim societies. So, Moyn is right that Christian democracy offered the third way to some Christians who opposed liberalism and communism. But his view is incomplete and narrow. What he refers to was a larger project where the common theme was not Catholicism but religion. Obviously, the

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⁸ With regard to human rights, he quotes Pius XI stating in 1938 that ‘Christian teaching alone gives full meaning to the demands of human rights and liberty because it alone gives worth and dignity to human personality’. Pius XII followed at Christmas 1942: ‘*True* Christian democracy would protect human dignity ... *False* democracy would sacrifice it on the profane altar of secularism, materialism, and relativism’ (p. 54, my italics).

outcome of that project was different from country to country and religion to religion. It resulted in the establishment of some religious democracies (for some, constitutional theocracies) which offered a compromise between religion and democracy. Moyn gives some examples of this in the Christian world. In the world of Islam, the Islamic Republic of Iran (IRI) can be cited as the ultimate example that realised that view in 1979.

Iran, too, was caught up between Islamic nationalism and liberal secularism when the Constitutional Revolution of 1906 took place. Although, well in advance of the Constitutional Revolution, under the influence of pan-Islamist thinkers such as Muhammad Abduh and Jamal al-Din al-Afghani the idea of modern Islamic government was introduced and being conceptualised. Consequently, the debate on whether Iran was to be a secular or an Islamic society, or a combination of the two, was already in place. What is worth noting about this period is that the vocabulary of rights had been used for decades prior to the 1906 Revolution. Moyn stresses that the old constitutionalism did not proceed from the rights of man (p. 30); however, by the same token that a mere presence in the Irish Constitution is deemed sufficient (p. 28), the rights of man could be found in unexpected places such as the 1907 Constitution of Persia (contemporary Iran) which was influenced by the French and the Belgian constitutions of 1791 and 1831 respectively. But it took another revolution (in 1979) for Iran to introduce its unique scheme of government based on Islam and to change the international political order.

The claims of IRI clerics about human rights and democracy are very similar to what Moyn says about Ireland's religious democracy and popes. However, they are not representatives or supporters of the idea of human rights. The school of thought

that they belonged to was based on awakening Muslim nations and re-establishing political Islam. It was Islamism with its own definition and view on modern concepts such as human rights. Islamic states, especially following the 1979 Revolution in Iran, attempted to come up with their own version of Islamic, or rather Islamised, human rights. They, too, tend to offer what they describe as *true* democracy and human rights. They, however, did not determine, or, in Moyn's term, appropriate, the idea of human rights, and nor did the Irish Constitution or popes.

Christianisation, and Islamisation, of modern concepts has been an ongoing practice. When confronted with hostile modern concepts, traditionalists resort to their defence mechanisms and typically either reject them entirely or try to appropriate them. The appropriation process can take various forms; they may claim that they already possess the same or even a superior version of that concept, or may embrace the modern concept while dismantling it or injecting elements of their own tradition into it, or simply justifying it on the basis of old traditions. Rationalisation is another common form of those defence mechanisms, which is visible in Moyn's work as well. Rationalising small moves in order to turn them into huge victories can be understood as coping techniques against harmful impulses, such as modernity and secularism. Disappointed by other historians and even Christian figures such as Pope John Paul II, it seems that Moyn has decided to trigger the conscious defence strategies of Christianity. And this is why his account of the history of human rights seems more ideological than historical.

5. Christianity vs Human Rights

In the last pages of his book, Moyn starts on a topic that sheds more light on his general perspective regarding human rights. In an analogy whose seriousness one may question, he simply compares human rights with Christianity, which he rationalises on the grounds that Christianity is the ‘source’ of contemporary human rights, and that it is ‘one of the successful moral movements in the history of human affairs’ (p. 173). This of course depends on how one defines ‘source’ and ‘success’. In addition, considering that he talks about the death of Christianity in Europe some pages earlier, it requires special courage to place Christianity in the role of teacher of human rights (p. 177).

His analogy goes even further to mention prophets and priests, as well as prayer and rituals, and even martyrs, apparently as the secrets to the success of Christianity and he suggests this is what human rights lack. His analogy, as entertaining and satisfying as it may be, is fundamentally false as it considers human rights as a global faith. At the end, he puts some questions to Christianity and human rights such as whether human rights make any difference. The problem is, the genuine questions that Moyn puts to human rights have been asked by supporters and critics of human rights alike, without the need to resort to such false analogies.

6. Conclusion

Christian Human Rights is a thought-provoking book that because of its boldness will stimulate debates and ultimately sharpen the arguments about human rights. It sheds light on some aspects of human rights history and the influence that Christianity has

had on the contemporary notion of human rights. It also contributes to a better understanding of the role of religious thought in reconstructing post-war Europe. I agree with Moyn about the necessity of incorporating missing religious factors, if any, in the historiography of human rights. He is also right to insist that Christian influence on the language of human rights needs to be painted, if not already done, onto the canvas of the history of human rights. However, I have questioned Moyn's methodology and how he measures the significance of the events that he has made the tenets of his argument. I have argued that the picture he draws is unbalanced and distorted and his account is far from convincing.

Finally, Moyn's approach seems to me to be in line with the views of those who believe that religious foundations once gave human rights the impulse and breakthrough they needed. However, as human rights moved away from religious grounds they lost their strength and appeal. Their advice is therefore to return to religious foundations and justifications, particularly in those corners of the earth where human rights are most contested.⁹ I am not convinced by either the premises of this line of reasoning, or by its prescription. Attaching human rights to religion will only cause further disagreement and undermine human rights.

Mohammad Nayyeri

PhD Candidate and Visiting Lecturer

Dickson Poon School of Law, King's College London

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⁹ For example see: Abdulaziz Sachedina, *Islam and the Challenge of Human Rights* (Oxford University Press 2009); and Anthony Chase's review of that book: Chase A, 'Human Rights and the Challenge of Foundations' 35 *Human Rights Quarterly* (2013), p. 498.