

Book Reviews

The Movement to End US Human Rights Exceptionalism

Bringing Human Rights Home. Three Volumes. Cynthia Soohoo, Catherine Albisa, and Martha F. Davis, editors. (Westport, CT: Praeger Publishers, 2008. 3 volumes, 851pp. hardcover, \$275.00).

Extraordinarily informative, timely, and inspiring. These are but a few of the positive adjectives that come to mind in response to this three-volume set compiled by Soohoo, Albisa, and Davis. The editors – attorneys and widely-respected international human rights advocates – have brought together a set of original articles by (and several personal interviews with) leading US human rights activists, lawyers, and scholars. The contents of these volumes accomplish two tasks: (1) they address the origins of and staying power of US human rights exceptionalism and the harm it has produced; and, (2) they document the evolution of, and challenges facing, the spirited and diverse US human rights movement that is now seeking to bring this country into conformity with international human rights norms.

The story of how and why the United States has both embraced and ignored the international human rights framework is told in Volume 1, *A History of Human Rights in the United States*. Following Paul Gordon Lauren's comprehensive overview of the US government's mixed human rights policy history, Elizabeth Borgwardt reminds us of the role President Franklin D. Roosevelt played in envisioning and promoting worldwide recognition of fundamental human rights. Catherine Powell's interview with Louis Henkin, a lifelong contributor to the construction and establishment of the international human rights framework, comments on ramifications of these early formulative efforts.

One of the most formidable obstacles to domestic application of the human rights framework has been resistance by US political elites to the demands it places upon them to end domestic social and economic inequalities. Their reluctance to dismantle white supremacy – as Carol Anderson demonstrates – was central to US post-World War II political resistance to

“bringing human rights home.” Domestic racism, combined with Cold War rejection of socialism, fed into political elites’ unwillingness to recognize economic and social human rights, a topic explored by Hope Lewis. Unperturbed, some forward-looking US civil rights lawyers, as described in Vanita Gupta’s interview with pioneering human rights attorney Gay McDougall, began to look for ways to add international human rights law to their tool kit of legal strategies.

Volume 2, *From Civil Rights to Human Rights*, traces the roots and evolution of the contemporary US human rights movement, which is little more than a decade old. Dorothy Thomas offers an overview of the movement, its components, sources of opposition, and the challenges that it currently faces. Even today, while the US government is officially on record as supporting civil and political human rights, it continues to resist recognition of economic and social human rights. Cathy Albisa explores reasons for this continuing resistance and points out the many arenas in which the US human rights movement has begun to press for economic and social rights, citing grass-roots efforts across the country. Albisa also interviews four individuals who have played important roles in helping to build the contemporary US human rights movement: Ajamu Baraka, Larry Cox, Loretta Ross, and Lisa Crooms. They offer advice, caution, but importantly, inspire hope for the future.

In assessing the evolution of the contemporary movement, Cynthia Soohoo emphasizes the changing role of lawyers, as they expand their knowledge of and willingness to bring international human rights law into areas that previously had been defined in traditional civil rights terms. Legal professionals have been aided in this regard by the expansion of international human rights bodies, which, as Margaret Huang discusses, can render highly visible judgments about cases that are not framed in human rights terms by US courts. Human rights law and the international human rights system are key resources for groups pressing local (e.g. the city of San Francisco) and state legislative bodies to take up human rights responsibilities in the absence of federal action, as Martha F. Davis points out. Finally, Lance Compa presents evidence of increasing interaction between US trade unions and domestic and international human rights groups, their exploration of common ground, and a growing willingness on the part of US unions to frame workers’ rights issues in broader human rights terms.

While the U.S. human rights movement has pushed to bring economic and social rights into public awareness on par with civil and political rights,

federal government actions following 9/11 and the initiation of the “war on terror” have required renewed defense of traditional civil and political rights. As Wendy Patten notes, the movement has sought to reframe defense of these rights in international human rights terms, a process facilitated by revelations regarding abuse of the rights of imprisoned “insurgents,” “enemy combatants,” and other alleged terrorist suspects. Human rights law has been an important tool for those in the movement who have worked to expose and gain international condemnation of the Bush Administration’s secret approval of and subsequent efforts to then justify policies and acts of torture.

The absence of a human rights culture in the United States is reflected in the fact that many non-government organizations are doing human rights work, but do not view or speak of their work using a human rights framework. They may see and present themselves as civil rights, civil liberties, or social justice organizations. The case studies contained in Volume 3, *Portraits of the Movement*, however, demonstrate that increasing numbers of local, regional, and national groups are coming to adopt and employ the human rights framework, often with positive results. Greg Asbed describes the efforts of the Coalition of Immokalee Workers, a grass-roots organization of agricultural workers in Florida whose use of the human rights framework has united field workers and attracted allies into successful struggles against growers who fail to respect workers’ economic and social rights.

Most of these Florida workers are immigrants and, as Beth Lyon relates, there is a battle being waged against the denial of basic human rights to immigrants to the US, rights that are often automatically granted to the native-born. Immigrant rights groups are increasingly looking to international human rights bodies to support domestic demands for comprehensive immigration reform. Indigenous peoples and their advocates employ a similar strategy to secure the human rights of American Indians, Native Hawaiians, and Alaska Natives. Steven M. Tullberg documents the history of indigenous struggles to end discriminatory treatment by the US government, and shows how growing international legal recognition of indigenous rights as human rights provides new approaches and international allies for challenging harmful domestic policies.

The US is an outlier in terms of its support for capital punishment and its failure to meaningfully monitor and protect the high percentage of the US population who are jailed or imprisoned. Sandra Babcock discusses how US human rights advocates, referencing international human rights

standards and drawing on the support of numerous international bodies, are striving to influence legal thinking. The human rights framework is also being used to successfully highlight the abuse and mistreatment of people imprisoned in the US, particularly rights violations experienced by imprisoned women and children. Deborah LaBelle illustrates how systematic documentation of such abuses in federal and state correctional systems are being brought to the attention of both domestic legislative bodies and international human rights forums.

Social and economic rights are at the center of struggles by the contemporary US human rights movement. The failure of the United States to treat housing as a human right – the topic of an article by Maria Foscarinis and Eric Tars – has produced a system in which safe and adequate housing is increasingly unaffordable and homelessness has become widespread. Similarly, as Alec Irwin and his colleagues demonstrate, US failure to view health as a human right, and the federal government's failure to enact a plan for universal health care, has significantly undermined and harmed the health status of tens of millions of people. Failure to protect the reproductive rights of women, as Theresa McGovern points out using South Carolina and Florida as examples, has reduced many women's life chances, particularly women who are poor and of color. The economic rights of poor families are going unacknowledged and unaddressed, as Wendy Pollock documents, with the removal of impoverished families' entitlement to financial assistance by 1990s "welfare reform." In each of these areas – housing, health and reproductive rights, and welfare – the authors describe the work of groups that are fighting for these rights using a human rights framework.

As Monique Harden and her colleagues show, human abuse of our natural environment is harmful in and of itself, but poor people and people of color in the US are disproportionately victimized by this abuse. Environmental justice groups in the United States have begun to use the human rights framework, arguing on behalf of people's rights to life and to health. When hurricanes hit the vulnerable residents of New Orleans and other areas of the Gulf Coast in 2005, an enormous amount of property damage, death and injury, and human displacement occurred. William Quigley and Sharda Sekaran describe their experiences with government ineptitude and failure to restore destroyed communities, and describe how international human rights instruments and humanitarian law are empowering displaced residents in pressing for their human rights to return, resettlement, and rehabilitation.

These volumes cumulatively suggest that US exceptionalism is on shaky ground. The contemporary US human rights movement, becoming increasingly visible through such coalitions as the US Human Rights Network (<http://ushrnetwork.org>), is gaining grassroots adherents and organizational allies at home, widening the scope of its domestic activities, and establishing links in the international human rights community.

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