Makau Mutua


Former University at Buffalo Law School Dean Makau Mutua has written a stimulating and penetrating book, *Human Rights Standards: Hegemony, Law and Politics*, which achieves its goal of expounding upon the history, inner-workings, and probable future of human rights from the perspective of the global south. Mutua, the SUNY Distinguished and the Floyd H. & Hilda L. Hurst Faculty Scholar at the Law School avers laconically: “... I have written this book to critique the human rights movement for its normative shortcomings [and] also to hold out hope that it can be reconstructed as a medium for a fuller human liberation,” (p. vii). In retrospect, the strategy of this book augments and mimics some of the author’s earlier thought-provoking published seminal works, some of which are referenced in the note below.

This book is divided into seven substantive chapters, coupled with an impressive bibliography, and a very detailed index. The author’s overarching goal in producing such a publication is to tackle the issue of Eurocentric hegemony, as sometimes reflected in the sacrosanctity of western epistemology, over the discourse, development and implementation of international human rights. (pp. vii-x). Although Mutua is complementary of much of the work already done in the name of human rights, he utilizes his 243-page book to promote the advancement of human and other rights through the participation of the hitherto marginalized global south. Indeed, he stops short of suggesting that the nascent international human rights project is a new form of Western imperialism, but he does offer a critical view of the birth of the movement by advocating that the global south stake its rightful claim to a seat at the table amongst those that will decide the future character of international human rights.

Through his very eloquent preface, Mutua situates himself in the spectrum of human rights scholarship for his reader as he elucidates on his goals as a scholar. According to the author, apart from the fact that the global south has

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been historically marginalized, it continues to be of secondary importance in the process of creating human rights norms. Subsequently, he encourages the inclusion of the previously marginalized global south’s perspectives on human rights for the sake of advancing the cause of international human rights. *Inter alia*, he wrote: “I think that the voices that have been shut out are the only ones that are likely to say something really new” (p. 9). He further adds that breaking up Western hegemony and furthering equality of ideas is a sine qua non for the legitimization of the pedagogy of human rights globally.

In the introduction to the book, the author makes a case for continuing the work of standard setting and, indeed, not just implementing the norms that have already been agreed upon. Citing such examples as protections for disabled peoples and the gay rights movement, Mutua portrays human rights as necessarily evolving because the human condition is never static, (p. 2). In a similar vein, the author poses questions about why liberal policies have yet to alleviate human suffering and to produce the ideal society that so many Western policy makers have predicted and yearned for. According to Mutua, the persistent powerlessness of people around the world is indicative of the failures of current human rights norms, and that the status quo must be challenged to pave the way for collaboratively working towards the goals of universal human rights, (p. 4). It is refreshing that a bottom-up approach is now working despite the top-down structures that control human rights doctrines. In its conclusion, the introduction provides a foreshadowing that this very useful book will detail the processes by which human rights standards are set and, in the process, to offer a global south perspective on how they may be improved (p. 8).

Chapter one of Mutua’s book is sub-titled as “Norm Setting in International Law and Human Rights.” It provides the foundation upon which the rest of the book is constructed. The state, as represented by diverse political personnel in human rights discourses, is described as both the enemy and guarantor of human rights – a paradox, indeed. In short, Mutua believes nations constantly resist real or putative threats to sovereignty by human rights norms. He affirms that the post-WWII epoch is highlighted as one of the driving forces behind the need to establish a world-wide consensus on the treatment of human beings by every state (p. 13). He cites as examples the atrocities and racism committed by colonial powers and the holocaust unleashed on Jews by Nazi Germany, which created the impetus for international human rights. Some of those same former colonizers, along with other UN member nations, ironically promulgated the Universal Declaration of Human Rights (UDHR). The pretensions and reference to this declaration as “universal” are not lost in Mutua’s analysis, especially in this section of the publication (p. 18). Echoes of Western