

# Reviews

*Dignity in Adversity: Human Rights in Troubled Times*, Seyla Benhabib (Cambridge, Mass.: Polity Press, 2011), 288 pp., \$69.95 cloth, \$24.95 paper.

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It seems fair to say that the global support for human rights has reached the point where many scholars, activists, and citizens find it impossible to envisage a just world without them. Nevertheless, controversy still persists about what humans have a right to, how these rights should be implemented and enforced, and even whether human rights ought to be recognized at all. Despite their current popularity, then, human rights face a number of challenges, ranging from deep cultural differences, to nationalist and religious extremism, to suspicions of Western neoimperialism. Against critics who question the scope of human rights, their origin, and ultimately their aim or purpose, Seyla Benhabib's engaging book places much hope in the exceptional promise of human rights to deliver justice and dignity. Benhabib believes human rights are central to a "cosmopolitanism without illusions" (p. 1), a critical theoretical position informed by cosmopolitanism's ambiguous legacy and a sober assessment of political realities in today's complex world. She brings acuity and depth to the cosmopolitan project, and takes it as a valuable example for understanding how human rights are to be justified and realized in self-governing polities.

*Dignity in Adversity* is comprised of nine chapters derived from previously published essays, along with a newly written introduction explaining Benhabib's aim and strategy. Chapters 2 and 3 give a helpful historical sketch of Hannah Arendt's writings on totalitarianism and genocide and demonstrate how her work, when read alongside that of theorists of the Frankfurt School and of Raphael Lemkin, contributes to a sharpened appreciation of the central value of human plurality within the world community. In what can be regarded as the core of the book (chapters 4 through 7), Benhabib reconstructs her discourse-theoretic account of human rights in terms of its commitment to communicative freedom. And in the concluding section (chapters 8 through 10), she clarifies how human rights principles are consistent with the paradoxes of democratic legitimacy and democratic closure (drawing boundaries and restricting access) with regard to matters of migration and membership.

Three features of Benhabib's treatment of these issues are notable. The first is her foregrounding of genocide. This is an important move because much of the philosophical literature on human rights either relegates genocide to a marginal position theoretically or fails to scrutinize adequately the contentious

meaning of the concept of genocide. Consequently, even though genocide is now recognized as a global phenomenon and its codification in international law has bolstered an emerging sense of cosmopolitan right, it is analytically useful to begin tracing the development of claiming rights across borders from the catastrophic experience of the Holocaust. Yet it is also important, Benhabib shows, to historicize destructive forms of racial, national, and ethnic exclusion in order to discern the distinctive social circumstances and political processes through which the logic of genocide is instantiated in particular cases. Benhabib thus points to both Lemkin's and Arendt's insistence that the Holocaust, while unprecedented in terms of its specific ideological production and political experience, should not be regarded as "unique"; it is not *sui generis* but one (undoubtedly significant) example of the broader phenomenon of genocide.

A second notable feature of the book is Benhabib's further elaboration of Arendt's idea of the "right to have rights" in order to push back against a human rights minimalism that has become somewhat fashionable in recent years. She is determined to demonstrate how the fundamental right of each person "to be recognized as a moral being worthy of equal concern and equally entitled to be protected as a legal personality by his or her own polity, as well as the world community" (p. 62) supports a more robust derivation of the content of human rights than the substantive and justificatory minimalism recently proposed by such theorists as John Rawls and Joshua Cohen. In particular, Benhabib elucidates how the human right to democratic self-government is crucially supported by four key normative assumptions: communicative freedom is what makes the practice of rights claiming possible; making rights

claims entails a dialogic practice of justification that presupposes the capacity to assent or dissent; justificatory discourses depend upon mutual recognition of equality, reciprocity, and symmetry; and the legitimacy of a polity's binding "schedule" of rights derives from the exercise of the communicative right to have rights through "democratic iterations" in free public spaces.

Finally, Benhabib's analysis draws out the implications that ongoing changes to sovereignty have for contemporary citizenship. She proposes that reconceptualizations of sovereignty and modalities of political belonging have resulted in an expanding repertoire of imaginative projects for reconstituting citizenship. The most important developments include a turn toward "citizenship of residency" rather than exclusive nationality, the institution of "flexible" dual or multiple citizenship, and the "disaggregation" of citizenship into rights-bearing modes of membership for noncitizen immigrants, guest workers, refugees, and asylees. According to Benhabib, however, these positive signs of post-national inclusion are nonetheless intertwined with new and powerful forms of exclusion, most worryingly through global capitalism's creeping privatization and depoliticization of international law, which circumvents democratic accountability, and the "dejuridification" of economic and labor rights within "free trade zones," which increases the vulnerability of migrant, child, and undocumented workers.

Although Benhabib's analysis is ambitious, lucid, and perceptive, some concerns arise. First, while Benhabib alludes to friction between, on the one hand, the concept of genocide predicated on protecting groups irreducible to their members and, on the other hand, the concept of human rights predicated on respecting individuals irrespective of their groups, she does not explore difficult

questions about the extent to which these different concepts can be contradictory, and even demand asymmetrical moral and political commitments that continue to complicate our attempts to do justice to both. Does Lemkin's or Arendt's respective ontological approach offer a better response to the conditions of genocide? How can we negotiate the urgent tensions between individual rights and group rights while valuing both? Is it plausible to assess the harms of genocide and human rights violations comparatively?

Second, I am not convinced that citizenship practices have become as denationalized and postnationalized as Benhabib claims. States still assert the traditional prerogative to decide criteria for access to citizenship as well as whom (if anyone) to admit as residents. No supranational institutions exist to confer or guarantee membership status irrespective of prior nationality; even EU citizenship is "secondary," dependent upon citizenship in one of the member states. In most states the human rights of resident noncitizens remain deficient compared to those of citizens (especially where residency does not entail political participation). And even if

one is inclined to agree that the EU is a remarkable cosmopolitan wager, Benhabib is silent about the prospect of replicating its achievements elsewhere. In this respect—somewhat paradoxically—Benhabib's valorization of the perceived malleability of European frames of belonging manifests both the strengths and the weaknesses of contemporary cosmopolitan proposals for political reform.

These concerns aside, *Dignity in Adversity* is a penetrating and insightful contribution to critical human rights scholarship. Benhabib makes a compelling case for a "cosmopolitanism without illusions" that may help show the way through an uncertain world transformed and scarred by globalization.

—PATRICK HAYDEN

*Patrick Hayden is Professor in the School of International Relations at the University of St. Andrews. His research focuses on international political theory, with emphases on human rights, global justice, and contemporary political theory. His recent work includes Political Evil in a Global Age: Hannah Arendt and International Theory (2009).*

***The Right to Justification: Elements of a Constructivist Theory of Justice***, Rainer Forst, trans. Jeffrey Flynn (New York: Columbia University Press, 2012; originally published in German by Suhrkamp, 2007), 368 pp., \$40 cloth.

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*The Right to Justification*, a thoughtfully selected, tightly knit, and wide-ranging collection of Rainer Forst's essays in moral and political theory, provides a useful

introduction to the thought of one of the most exciting political philosophers working today. By lineage and position, Forst is heir to the Critical Theory school of