Reinventing Truth and Compassion: Humanism, Human Rights, and Humanitarianism in the Aftermath of September 11, 2001

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INTRODUCTION

I have divided this lecture into three parts. The first part argues that the concepts of humanism that stress justice and compassion have a near universal quality and predate the Enlightenment. They are present in most cultures in indigenous form, lending credibility to the idea that humanism is a shared value across societies and civilizations.

The second part sets out how humanism was particularly constructed by the Enlightenment project, with its emphasis on laws and state structures, and how it developed into modern traditions of human rights and humanitarian law, especially within the United Nations system.

The third part will outline how in the post-9/11 world these traditions are being deeply challenged by intellectual critiques and world events that question the foundation of humanism as a universal value, and human rights and humanitarianism as benign tools of the international community. It will also suggest ways to move forward.

PART ONE: PRE-ENLIGHTENMENT HUMANISM

Margaret Atwood, in a survey of literature from around the world, comments on the presence of what she calls "the care stories of all societies" (Atwood 1985). In recent times, under the influence of third-world thinkers, there was a belief that human rights and humanitarian action were products of the Enlightenment project beginning in the eighteenth century, and therefore an important tool of Western imperialism. In addition, a long line of Western thinkers, such as Louis Althusser, argued that humanism itself was a Western Enlightenment construct. There are now young scholars from the critical tradition who maintain that this was not the case—that humanism in some form has been present in most societies, giving it a claim to universalism that many philosophers of the recent past have refused to acknowledge.

Most scholars and thinkers would agree that Buddhism, an ancient Eastern philosophy, in theory at least is humanist to the core. Early Buddhism mentions three crucial "Brahma viharas," namely tenderness, kindness, and equanimity. The concept *Samma Ditti*, or "right understanding," that is integral to the practice of Buddhism stresses the importance of the Four Noble Truths, including avoiding thoughts of hatred and harmful intent.

Mukti Lakhi, in her PhD thesis offered to Cornell University, writes, "In ancient India, the saint Vyasa wrote an extensive mythological history called the *Mahabharata*, now considered one of the founding texts

of Hinduism. In it, one of his principal characters stated that 'the supreme human being should be defined, regardless of their caste, according to their capacity for truth, charity, forgiveness, good conduct, benevolence, kindness, observance of the rites of his order, and mercy'" (Lakhi 2012).

Centuries later, in precolonial South Africa, Zulu tribes measured the worth of a human according to their "generosity and kindness towards others, proclaiming that a person is a person through other people." Lakhi points out how these sentiments not only reified social principles but also fueled popular movements of resistance. She argues that humanist modernism need not be seen as only a post-Enlightenment Western import but often as indigenous modernities tied to local relations of power and resistance.

Lakhi's arguments are supported by a whole range of South Asian scholars, including Sanjay Subrahmanyam, V. Narayana Rao, David Shulman, and Satya Mohan Joshi. They are responding to the prime of place given to critical South Asian subaltern scholars who argue with French structuralists that modern notions of rationality, human rights, and democracy were "unthinkable" without the Western Enlightenment being imposed on the colonies (Chakrabarty 2007).

The challenge posed by younger scholars to this subaltern orthodoxy appears to have some validity. The subaltern era, characterized by a large moral vacuum, displaced Enlightenment values without a replacement. With its tendency toward political cynicism and the studied withdrawal from universal values, it has made resistance complicated and so cerebral that strong political action is not possible. This may account for the fact that until recent developments, political apathy seized the intellectual classes and, except for isolated acts of political protest, there was no sustained political movement that emphasized universal values above the local, and that could effectively challenge the rising nationalist and racist tendencies in all our societies.

In this post-subaltern era, young scholars like Lakhi are searching again for universal values and finding them in indigenous contextualized versions. She does this through an analysis of precolonial Indian and South African texts and precolonial networks of resistance. Though she agrees that Zulu despotism characterized by their state structure or Hindu social oppression as manifested in the caste system cannot be denied, she locates a more complicated reality.

In contrast to the great subaltern scholars, such as Homi Bhabha, who argue that colonialism is such a totalizing discourse that there is no voice

outside of it, Subrahmanyam argues that the relationship with Enlightenment ideas was not an imposition but an encounter, where local precolonial humanistic ideas, communities, and movements interacted with Enlightenment ideas to produce their own brand of modernity (Subrahmanyam 1998). Even within the subaltern movement, there have been scholars like Sumit Sarkar and Ranajit Guha, who have emphasized the coexistence of precolonial structures and ideas of dominance and resistance, which have a measure of their own agency and are based on an understanding of rights and justice (Lal 2001). Resistance by peasants, "Adivasis," has been recorded throughout Indian history, as have individual acts of resistance by elite men and women (Bhatnagar 2004).

I accept Lakhi's and Sarkar's views that there are indigenous traditions of humanism, and that colonialism is not a completely totalizing discourse but an encounter—one such encounter in the long history of Africa and Asia. However, in a globalizing world of power and communications, this encounter is fraught with many dilemmas. The response to barbarism, brutality, and inequality in the world cannot be in jettisoning either local or international traditions of humanism, but in galvanizing their strength and only critiquing those parts that have become handmaidens of the apparatus of dominance.

When I look into my own country, I see how local myths and legends that have upheld traditions of humanism and social justice for centuries still evoke a response from people independent of colonialism. Professor Gananath Obeyesekere has spent a lifetime researching these myths and lived traditions in every part of Sri Lanka, where—especially in the early years—colonialism had not made such an impact.

One of the great South Asian myths of justice is the story of Pattini for Sri Lankans and Kannagi for South Indians. Obeyesekere, in his detailed volume (Obeyesekere 1987), outlines the texts and rituals associated with the goddess Pattini in Sri Lanka (perhaps the South Asian version of Antigone). The Sri Lankan version—which differs somewhat from the South Indian version—is contained in thirty-five ritual texts, analysed in detail by Obeyesekere. According to the legend as described in these texts, Pattini—who is meditating as a saint on Andurungiri Peak, aspiring for enlightenment—is approached by Sakra, the Buddhist king of gods, who implores her to be born again on earth to end the famine and destroy the powers of King Pandi, an evil, arrogant, tyrannical despot who reigns over a city much like Babylon. Pattini agrees, and is born as a golden mango in the orchard of King Pandi's court.

No one can bring the mango down until Sakra in disguise comes and does so, spurting juice that destroys King Pandi's third eye. The king becomes frightened and sends the mango in a golden casket down the Kaveri river. A merchant prince takes the casket home, and in seven days a beautiful child is born. She grows up and marries another merchant called Palanga (in the Tamil tradition called Kovalan). She is devoted to him but he takes a mistress and squanders his wealth on his return to Pattini, who gives him a set of gem-studded golden anklets to help him settle his debts. Palanga goes to a goldsmith and tries to sell one anklet. The goldsmith reports him to the king, saying that the anklet looks like the one that the queen had reportedly lost. Palanga is arrested, tortured mercilessly, and executed. When told of this, Pattini is furious, accosts the king, gives him a lecture on justice, tears out her left breast, throws it on the ground, and destroys him and the city. Obeyesekere calls Pattini's widow's lament on justice one of the finest examples of poetry in Sinhala tradition, and the same is often said in the Tamil tradition. Strangely, it is the lament of the widows that may eventually unite and heal our war-torn country.

For great African thinkers, like Anthony Appiah, who have researched the Ashanti tradition in Ghana (Rush 1993), and Asian thinkers, like Chandra Muzaffar from Malaysia (Muzaffar 2002), the links to human rights from indigenous traditions center around notions of dignity and honour. Though these traditions can be used to enforce brutal feudal norms, especially against women, they recognize important rights and obligations of human beings that form the basis of honour codes—many of which are meant to value human life. The warrior codes of the region are extremely strict and similar to the basic values of humanitarian law. Obeyesekere, in his work on "lajja/bhaya"—shame and fear—in Sri Lanka, speaks of modes of social control when behavior is considered inappropriate, unethical, or inhumane (Obeyesekere 1987). Naming and shaming, one of the main tools of the international human rights movement, is based on the understanding of the powerful role of these concepts in all societies. They have often been used against women and the socially vulnerable but have also been used to protect the ethical core of any social fabric.

Appiah, in his reflections on human rights, also argues that human rights concepts have been embraced by diverse groups because they have a resonance with members of all societies. This resonance may not be an aspect of human nature, or the essence of a human being embodied in natural law, but it is a resonance nevertheless which has increased with time. He argues that the evolution of cosmopolitan individuals and personalities,

with their identities constructed by the input of many cultures, has made this even more necessary (Appiah 2006). The affinity and empathy that people all over the globe feel toward one another, drawn from deep instincts from within their own cultures, must be the basis on which we build the global future, despite the rise in extremism and hate campaigns.

Part Two: Humanism, Human Rights, and Humanitarianism: From Intuition to a Global State Consensus

I would like to now move on to trace the history of modern human rights and humanitarianism, especially within the United Nations system. Michael Ignatieff, in his Tanner Lecture of 1999, quotes Primo Levi recalling being interviewed by Dr. Helmuth von Pannwitz, chief of the Chemical Department of Auschwitz, and remembering the "look" in his eyes. Levi writes, "That look was not one between two men," and continues by saying it was turned into "an encounter between different species." Ignatieff, on the other hand, measures progress in the world upon the moral intuition that our species is one, and "human rights is the language that systematically embodies this intuition" (Ignatieff 2000).

While the earlier section of this lecture suggested that humanism in some form exists in all cultures, the Western tradition of human rights and humanitarian law enshrined this humanistic intuition in state structures and in the relationship between the citizen and the state from the eighteenth century onwards. For this reason, many scholars have referred to this tradition as "Western" or as a product of the Enlightenment. The great spurt of activity around human rights came after brutal religious wars in the eighteenth century and the Holocaust of World War II.

The initial documents of human rights, such as Thomas Paine's *Rights of Man* or the documents related to the American Revolution, were couched in metaphysical terms. Kantian in origin, they were accepted as part of a system of natural law that accepted the essence of human nature with its particular relationship to God. They relied on the power of reason and logic to make the understanding of these rights "inevitable" (Seth 1893). They were based on foundational principles and a unity of vision about human beings and their agency. Modern-day thinkers like Martha Nussbaum and her mentor Amartya Sen also continue in this tradition (Nussbaum and Sen 1993).

Increasingly, though, other modern thinkers, like Appiah, Richard Rorty, Ignatieff, and Diane Orentlicher, have moved toward defending the doctrine of human rights on a pragmatic basis, locating them in

theories of consensus, empiricism, and procedural inclusiveness. Perhaps that approach—and the activism around it—is why human rights is now a third pillar of the United Nations, squarely located in its practices and procedures (Ignatieff 2011). All countries that join the United Nations must give their consent, accept a regime of fundamental rights, and—since 2006—submit to a universal peer review of their human rights record.

I, too, feel that the more pragmatic, consensual, and procedural approach is more likely to be long-standing in a world full of diverse cultures. Thinkers like Anne-Marie Slaughter have long argued that the international system has moved from its Westphalian origins into a system of consensual networks composed of political leaders, bureaucrats, and civil society (Slaughter 2004). David Kennedy, in his latest book, also adopts this pragmatic attitude, though he sees the dark side of a world order in constant struggle crushed by overlapping technical and bureaucratic expertise (Kennedy 2011). He is not a fan of this technocratic pragmatism that he feels has usurped politics.

Yet, other thinkers, like Upendra Baxi, who also share some skepticism about the modern direction of human rights, inspire me to retain some hope for human rights in the future as a vehicle for dissent and social justice. Baxi's vision is in resonance with my experience as a practitioner on the ground. Having spearheaded the public interest litigation movement in the 1970s and 1980s in India, with a focus on social and economic rights, Baxi is someone who is aware of the potential of the discourse of human rights. In his recent writings he rejects abstract formal notions of human rights as essentialist but argues forcefully that human rights should be the language to express "histories of individual and collective hurt. To give language to pain, to experience the pain of the other inside you, remains the task always, of human rights narratology" (Baxi 1976).

I want to now move from some of these preliminary reflections to describe the actual evolution of human rights within the United Nations system—a history that is rarely spoken about. I do this because much of the writing around human rights in US academia centers around US imperial power and US human rights groups like Helsinki Watch and Human Rights Watch (Moyn 2014). There has been another, very progressive, history that is often forgotten. Many of us coming from that tradition often bristle when we read American academic writing about human rights because that is not our experience or history.

While national bills of rights were present since the eighteenth century, international human rights only came into existence at the end of World

War II. After the absolute horror of the Holocaust, especially the concentration camps and other evil forms of Nazi terror, there was a belief that "never again" should this be allowed to happen.

When the UN Charter was discussed, it was the representative from Panama, Ricardo Alfaro, a close friend of H. G. Wells, who brought forward this idea of international human rights (Wells, Vogel, and Lynch 1978). As a result, a Commission on Human Rights was created—a subbody of the Economic and Social Rights Council. The drafters of the UN Charter wanted it to be a low-key, subordinate body since there was a lot of uncertainty. Eleanor Roosevelt was made the chairperson of the first Human Rights Commission, and its first task was to draft the Universal Declaration of Human Rights.

It was only in 2005—almost sixty years later—that the UN Human Rights Commission was elevated in status and became the Human Rights Council, the third pillar of the United Nations System, with equal status to the Security Council and the Economic and Social Council. It is this new, elevated Human Rights Council, elected by the General Assembly, that is now entrusted with human rights issues (The Office of the United Nations High Commissioner for Human Rights, n.d.).

Standard Setting

Human Rights evolution in the UN system may be divided into four phases. The first phase was from 1947 to 1966, and may be called the "era of standard setting." The Human Rights Commission at that time spent its efforts drafting international conventions on human rights. The commission worked hard—they produced the Genocide Convention, the International Covenant on Civil and Political Rights, and the International Covenant on Economic and Social Rights. Later, they would go on to create the Convention on the Elimination of Racial Discrimination, and the Torture Convention (Equality and Human Rights Commission, n.d.).

This standard-setting phase paralleled the period of decolonization, and many of the provisions from these conventions were directly incorporated into the national constitutions of the newly formed states. Many European countries also amended their constitutions. If you go to the Sri Lankan Constitution, to the Fundamental Rights chapter, you will notice that some of the provisions are taken word for word from the International Covenant on Civil and Political Rights.

The important thing to notice about this first phase is that it dealt with developing standards, norms, and themes. There was no mention of

individual countries. There was no naming and shaming of governments, and it was considered heresy to interfere in the internal affairs of nation-states. The concept of national sovereignty remained supreme.

Many countries would like the UN human rights system to remain in this phase without naming and shaming individual governments. They feel the council should only deal with general thematic issues. They act as if the next four phases of international human rights have not happened. However, as we will see, the system has moved on.

Piercing the Veil of Sovereignty

The second phase of development with regard to international human rights may be called the "era of piercing the veil of sovereignty," and marks the beginning of "naming and shaming" governments. The issue that brought the belief that the international system must respond to unconscionable things happening within countries and that it must interfere in internal affairs of a country was the issue of apartheid. It was Africa, then, that was initially determined to pierce the veil of sovereignty.

Resolution 1235 was passed in 1967, allowing the Human Rights Commission to "intervene" in situations of grave violations against human rights. A Working Group on Apartheid was also set up. From then on, the Human Rights Commission has never looked back and continuously comments on the internal issues of countries (Office of the Special Adviser on Gender Issues and Advancement of Women, n.d.).

The first real test for the UN system after apartheid was the disappearances that were taking place in Latin American countries in the 1970s and 1980s. To avoid state liability, military dictatorships were sending personnel dressed in civvies and driving unmarked vans to kidnap and transport subjects to unknown destinations for torture and extrajudicial killing. The state would then feign ignorance and say it must have been the act of private parties. No one, of course, was arrested. Thousands died during this process. This practice perfected by the Latin American military juntas is now all too familiar in other parts of the world as well.

In responding to this, the UN Human Rights Commission created the Working Group on Disappearances, and later a Special Rapporteur on Torture, a Special Rapporteur on Extrajudicial Killings, and a Working Group on Arbitrary Detention. These mechanisms not only filed reports but also were given the power to visit countries and to name and shame governments.

These actions, along with agitation by activists in Latin America and their supporters abroad, led to a famous international legal principle articulated in the Velásquez Rodríguez case of the Inter-American Court—not a European or a US Court—where primarily Latin American judges held that states have a positive, due-diligence duty to prevent, prosecute, and punish those who commit criminal acts against others (University of Minnesota Human Rights Library, n.d.). Allowing impunity for such crimes was itself now seen as a clear violation of international human rights. This is now an accepted worldwide principle underpinning many areas of the law where impunity is an issue.

Golden Era of Human Rights and Humanitarian Activity

The third phase of human rights development may be called the "golden era of UN human rights activity," in which there was near-universal consensus and activism on human rights matters. This took place at the end of the 1980s and through the 1990s.

With the end of the Cold War, again, you have a whole bloc of countries taking their place at the UN, having used international human rights to fight off dictatorship. The countries of Eastern Europe and the countries of North Asia, such as South Korea, became strong supporters of international human rights.

The 1990s was indeed the golden era of UN human rights activity. There was a committed, universal spirit in the corridors of the United Nations. I was fortunate to be the Special Rapporteur on Violence Against Women during that period. Women's and children's rights came to the fore during this era, and the concept of sovereignty completely receded to the background and was rarely mentioned. The women's and children's conventions dramatically pierced the veil of sovereignty—going so far as to claim the right to transform national societies and change individual and state behavior. Phrases like "eliminating traditional practices" and "modifying social behavior" were used throughout the documents (United Nations Treaty Collection, n.d.).

In addition, by the end of the decade there were around forty special rapporteurs or working groups of the commission, each tasked with reporting and naming and shaming governments with regard to their own particular issue—whether it be freedom from torture, the right to education, or violence against women. Political and civil rights as well as economic and social rights were equally represented.

These procedures are now well established and, regardless of the political currents of the day, groups continue to fact find, document, collect evidence, and file reports on a regular and consistent basis. No country is immune from this process, not even the United States. The Special Rapporteur on Extrajudicial Killings, the Special Rapporteur on Torture, and the Working Group on Arbitrary Detention have all written very strong reports on the US. I myself have visited US prisons to follow up on allegations of sexual abuse of female prisoners (Coomaraswamy 2012).

Behind the bluster and Machiavellian deals made by member states at international arenas, there is the quiet, constant, and consistent collection of human rights information by UN human rights mechanisms, departments, and agencies, especially by the Office of the High Commissioner for Human Rights. This aspect of the United Nations is rarely recognized—its role as the keeper of historical memory and the archive of documents that have a bearing on individual and institutional responsibility.

Accountability and the Responsibility to Protect

The fourth phase of human rights—what may be called the "era of accountability"—came about after the horrible wars in Bosnia and Rwanda, wars we have now forgotten. Like the Holocaust, these events were so horrific that there was a major philosophical shift in the international system. In 2000, the Security Council for the first time recognized that violations of human rights and humanitarian law are a threat to international peace and security, and therefore under its purview (Forsythe 2012). Until then, the Human Rights Commission had only been concerned with naming and shaming governments. Now we move into the phase where there is a call for individual accountability of perpetrators and for sending individuals to jail. International humanitarian law was now strongly augmenting international human rights.

International humanitarian law—the law of armed conflict—is based on two principles. The first is the principle of distinction: the distinction between combatants and civilians. Combatants may be killed during combat but if they are taken prisoner there are certain very important safeguards.

Civilians, on the other hand, must be protected as much as possible, except in situations of military necessity. If there is uncertainty, the International Committee of the Red Cross (ICRC), who is the assigned custodian of the Geneva Conventions, has repeatedly said that the benefit of doubt must go to protecting the civilian.

The second principle of international humanitarian law is the principle of proportionality—if a state is using force, that force must be reasonable and proportionate. The ICRC has also set out guidelines and procedures to minimize civilian casualty (Pictet et al. 1994).

In addition, the accountability provisions of international humanitarian law mean that a perpetrator can theoretically be tried anywhere in the world under what is termed "universal jurisdiction" (International Justice Resource Center, n.d.). The individual actors can now face personal accountability in any country. This type of invocation of universal jurisdiction will depend on the legal system and judges of each country. We have had a few high-profile cases in the past, and many political and military leaders from various countries do not fly to Western Europe because many of those countries recognize universal jurisdiction for violations of international humanitarian law.

The other very important aspect of international humanitarian law is that it also applies to non-state actors. Government soldiers as well as individual members of armed rebel groups can be held criminally liable.

I cannot even begin to describe to you the horrors of the two wars in Bosnia and Rwanda. I went to Rwanda a month after the genocide. I was taken to a church. I was initially struck by a beautiful statue of the Virgin Mary but when I looked down there was layer upon layer of skeletons, thousands of them, their limbs torn apart by machete blows and physical abuse—and all this in a house of worship, where Hutu nuns had called in the Interahamwe militia to kill off the Tutus who had found refuge with them. I was thereafter taken to a school, and there again, under the innocent drawings of children, were thousands of mutilated skeletons of people who had come to take shelter. The government wanted the world to see and witness the horror even at the expense of denying these victims their dignity and an Antigonian right to burial (UN Women, n.d.).

I have also interviewed countless Bosnian and Croatian women who spoke about how they were repeatedly gang raped until they were pregnant, with the perpetrators continually saying, "You will now bear a Serb baby."

In Bosnia, East Timor, the Congo, Burundi, Sudan, South Sudan, the Central African Republic, Afghanistan, Colombia, northern Uganda, and in my own country of Sri Lanka, I have seen the worst side of war—that which affects women and children. There are many who argue that nothing is above politics, not even the victims of war who are women and children.

Mahmood Mamdani is perhaps the most strident critic in this regard. He engages in scathing attacks against humanitarian action in both Darfur and Rwanda, which if misread could be seen as putting forward a defense

of the perpetrators. But that is not what he is saying. He argues that the advocates for the women and children of Darfur and Rwanda have an international political agenda and double standards (Mamdani 2014).

To begin to answer this in this lecture, I would like to draw upon the writings of some of South Asia's great thinkers on violence—Valentine Daniel, Gayatri Spivak, and Pradeep Jeganathan (Chatterjee and Jeganathan 2001)—and from my own experience of dealing with victim survivors. For most victims, before articulation in words comes a deep silence and a clear sign of intense pain. Words will not come easily. That, to me, is a test. If a victim speaks without that process, if she is full of coherent moral outrage, she may be a victim but most likely words have been given to her and she has become part of someone's agenda, even though the agenda may be benign. I do not include those stories in my reports. That silence, that pain, is the test of genuineness. And that is my answer to Mamdani. Navigating political agendas is a part of the work of any practitioner, but to deny a voice to those who have suffered beyond measure because we are also involved in a global chess game cannot be the way of the future.

As I said earlier, as a result of all the atrocities in Bosnia and Rwanda there was a seismic shift in the international system, forcing it to move beyond naming and shaming governments to the criminal accountability of individuals. The Security Council set up the International Tribunal on the Former Yugoslavia and the International Tribunal on Rwanda. It is important to note that no one cast a veto. In 1997, a permanent International Criminal Court, the ICC, was created under the Rome statute. Individuals can now be brought to an international criminal trial, though the jurisdiction is based on consent.

In the two decades since, witnesses have come before these courts, and people have been prosecuted and convicted. I was involved in the case of Thomas Lubanga, a man who had recruited thousands of child soldiers. In this context, I had the interesting experience of submitting an *amicus curiae*, or expert opinion, and giving evidence before the ICC. The court is imperfect, it needs reform, it needs to seriously worry about double standards, but I for one am glad it is there.

Because of these wars in Bosnia and Rwanda, another major development took place. The old, hazy concept of humanitarian intervention that had been in disuse was reborn as the Doctrine of the Responsibility to Protect, or R2P.

R2P is a doctrine really born out of the guilt of three people: General Roméo Dallaire, a Canadian, who was the head of UN peacekeeping forces in Rwanda during the genocide; Kofi Annan, who was head of the

UN Department of Peacekeeping at that time; and Bill Clinton, who was president of the US at that time.

Just before the genocide was about to break, General Dallaire pleaded with his superiors to send reinforcements, to allow him to be more active, and to go and collect the weapons of the militias—known as the "Interahamwe"—since he knew where they were stored. The United States, after a disastrous intervention in Somalia—remember the famous phrase "Black Hawk down"—did not want to respond or get involved. Annan knew he did not have Security Council backing, so he did not give the instructions. As a result, nearly a million people were killed. General Dallaire resigned from the United Nations, suffered a nervous breakdown, and when he recovered made it his mission to campaign for R2P.

With growing international interest, a commission was set up in Canada—with Gareth Evans, the former foreign minister of Australia, as chair—to formulate R2P. What the commission came up with was very broad—it allowed for humanitarian intervention in the event of widespread war crimes as well as in the case of natural disasters. It also endorsed multilateral as well as unilateral use of force by nation-states to prevent a humanitarian disaster—a recommendation that was very controversial, and which is often misquoted as the United Nations' position.

Annan took up the report and introduced some elements at the heads of state summit held in 2005. It had been cut down to include humanitarian intervention only in the case of war crimes, crimes against humanity, and genocide—not natural disasters—and only allowed the use of military force through endorsement by the Security Council under Chapter 7, where Russia and China would also be present with their veto powers. This placated the heads of state gathered there at that time, and they all signed the document, including Sri Lanka.

The final paper presented by the secretary-general made it clear that R2P had three pillars: the first pillar recognized that the primary responsibility for protection of citizens lay with the nation-state, and that a fundamental duty of sovereignty was to protect your citizens.

The second pillar was diplomacy. If it looks like a country is failing to protect all its citizens or part of its citizens, there should be intensive multilateral and regional diplomacy. As we know from the recent past, in this case a country will be inundated with dozens of international visitors.

If all that fails and there are atrocities happening to the population, then there may be a use of military force pursuant to a Security Council resolution (*UN News* 2011).

It must be recognized that R2P, or humanitarian military intervention, has been used as a justification by both Western and non-Western states. Vietnam went into Cambodia to get rid of Pol Pot, Tanzania went into Uganda to get rid of Idi Amin, India helped create Bangladesh, the US went into Iraq, and now Russia is in eastern Ukraine.

What R2P within the UN system tries to do is to systematically develop the concept that countries have in the past used unilaterally: to evolve a consensus on the meaning and content of humanitarian intervention, and also to create a recognizable process without leaving it to the arbitrary whims of individual nation-states. In that sense, it should be a welcome development.

However, after the unilateral invasion of Iraq using humanitarian intervention as one of the excuses, most non-Western countries and progressive intellectuals began to panic. The final straw was the use of the same doctrine by Russia to go into eastern Ukraine. A watered-down version of the document was finally tabled and passed by the General Assembly, but not without giving the whole concept a very bad name (International Coalition for the Responsibility to Protect, n.d.).

PART THREE: MODERN INTELLECTUAL CHALLENGES AND A SYSTEM GONE ROGUE

I would now like to move on to discuss modern challenges to humanism, human rights, and humanitarianism. This challenge comes from two sources. The first is an intellectual challenge that comes from the philosophical tradition empowered by French scholars like Michel Foucault and Louis Althusser, and developed by some of the best thinkers in the Global South. The second challenge to human rights is far more immediate and life-threatening, and that is the challenge correctly posed to the tradition by many intellectuals and practitioners who are appalled by the cynical use of human rights and humanitarianism post–September 11, 2001, to justify all manner of unjustifiable international interventions.

I would first like to tackle the intellectual and philosophical challenge to humanism, human rights, and humanitarianism seeking the indulgence of the great academic specialists in this area. My point is not to convey understanding in great detail of the concepts and theories but to recognize their influence on the way human rights developed in the last two decades.

Friedrich Nietzsche is arguably the best-known philosopher of modern times who frontally took on the European Enlightenment. He challenged the primacy of reason, preferring a social order that glorifies

passion, honour, and the triumph of the human will. He attacked the Judeo-Christian tradition for empowering the wretched of the earth and enthroning what he called the "slave mentality," preferring instead the ethos of the warrior. He pointed out that all Judeo-Christian talk of benevolence and charity should also be confronted since benevolence is also an act of power (Nietzsche 1886). Though his philosophy may be seen as a corrective to the strict, repressive, and dour Protestant ethic he saw around him, his thoughts would have major consequences in the twentieth century.

Nietzsche's fundamental critique of the Enlightenment project has relevance for human rights, and it is a vision that has to be seriously addressed since it challenges a social order based on reason and the protection of the vulnerable, which is after all the foundation of the whole international human rights and humanitarian system.

His thoughts, along with those of Karl Marx, were developed further in the twentieth century, including through Althusser and Foucault. You may wonder why I am going on this excursion into social philosophy. It is because of the adaptation of these philosophers' work by postmodern and postcolonial scholars from all over the world, especially from South Asia. While human rights activism was very strong up to the 1980s, the prevalence of these philosophers and their followers in our academic thinking, and the alienation felt as a result of the cold professionalism of human rights activism, took a whole generation of progressive young people away from human rights activity.

Althusser, with his emphasis on historical materialism, the mode of production, and the structure in dominance, makes it very clear that the primary focus of his inquiry is not the individual or his rights. Of all of these concepts, the most important is his complex understanding of the mode of production. His emphasis is not on the universal but the local, and the variety of productive forces that can exist at the same time and in different places, with each productive practice having its own unique causal nature (Althusser 1970).

It seems to me—admittedly, not a great specialist in Althusser—that in his philosophy as presented in his texts and in the manner available to the ordinary reader and not the small minority who are great specialists, Althusser openly and deliberately calls himself "anti-humanist," thus helping to render "humanism" a dirty word for over a generation. The earlier Frankfurt school of Marxism was deeply humanist and was seen to take forward the left-wing project in humanist terms, especially as a reaction

to the authoritarianism of Stalin and Mao. Althusser, on the other hand, argues against an essential human nature, and with his theory of "interpellation" sees all human beings as products of ideological state apparatuses with little or no agency. The individual has no place in his theory and is "overdetermined" by everything around him. Anything can be done to him or her to pursue the goal of achieving the modes of production that privilege the working classes, though Althusser recognizes that this may not come with one great revolution but in modest shifts.

Secondly, Althusser can be read to say that he does not believe in any form of ideal social order or any specific element of an ideal social order. In this, he rejects both Hegel and his mentor Marx, who are very specific and teleological, seeing history moving progressively forward. Althusser also rejects empiricism, the empirical method, and the objectivity of science, casting them within the realm of ideological reality and as subjects of politics. Althusser was an early proponent of the theory of "alternative facts," and his philosophy has a moral vacuum that is deliberately chosen. His exaltation of a philosophy of total materialism may have taken the possibility of idealism away from his proponents—idealism, after all, is "the fire in the belly."

Althusser's tradition of thought has been brought forward by brilliant thinkers, like Slavoj Žižek in the twenty-first century, who write from his tradition. Žižek has an essay that is a scathing attack on human rights as it has evolved in the West, and what he feels is the assault on public space by individualization promoted by the human rights movement. He also attacks the false belief that human rights are above politics. But unlike Althusser, Žižek gives us a moment of hope. He points to the gap between the promise of human rights and its actual delivery. In that gap, he sees the possibility of progressive politics, of "disrupting the preceding organic poise" and subverting existing power relations. He points to the gains made by feminism and the feminist movement as one such example (Žižek 2013).

Althusser's close friend, the imaginative scholar Michel Foucault, provides an even more powerful critique of the Enlightenment project. His is a struggle of emancipation to shed a light on all those whom the Enlightenment excludes or does not privilege. Foucault believed that the most decisive thinker of the modern era was Immanuel Kant, whose comprehensive ideas on universal reason form the basis of the Enlightenment.

Foucault is deeply skeptical of the power of reason and the structures of reason, and often argues that the pre-Enlightenment period may have been more humane. Whether regarding the field of medicine, psychiatry,

or penal reform, he balks at the objectifying, arrogant gaze of the expert and the practitioner that modernity has produced. In addition, Foucault analyses their discourses to dissect their use of power and how that power is used to marginalize, exclude, and privilege one group of individuals over another (Foucault 1992).

When I was young, I was a great fan of Foucault, like all my colleagues in South Asia. He somehow seemed to explain both the arrogance of imperialism and the rituals and practices of marginalization and privilege in our societies. His critique of reason seemed to explain the excesses of the technocracy of Nazi Germany and the elite centers of power in postwar Europe and the United States.

But after my experience in the field for the United Nations, and after being involved in my country during the civil war as a practitioner—not to mention the strange things happening in the United States and the world—I must say I want reason back! We have to go back to a more nuanced understanding of truth; we cannot reject it completely. We must also have a fuller understanding of rationality and not always equate it with bureaucratic and technocratic exercises. Through a clearer understanding of these frameworks, and with a passion for social justice, we must remake humanism, human rights, and humanitarianism for a future world. Even for those of you who do not want to accept the primacy of reason or truth as part of your formal ontology, at least consider reason and the practices of human rights and humanitarianism as part of a "strategic essentialism" that will help the world move forward (Buchanan 2010).

The realism—and, I must say, sometimes the cynicism—engendered by these thinkers and their intellectual traditions, particularly in the Global South, was further fueled by the so-called "War on Terror," probably the greatest challenge to human rights in our lifetime. This War on Terror was launched by the US under the administration of President George W. Bush, Vice President Dick Cheney, and US Secretary of Defense Donald Rumsfeld. Their response to a horrific act of terror committed on US soil would send the human rights world reeling; categories would be destroyed, definitions changed unilaterally, and new types of warfare would be operationalised for which the human rights community had no quick answers. Caught off guard and intimidated by cyber and media bullying, brave young lawyers endured years of silence before coming forth to challenge the establishment (Human Rights Watch 2004).

Counterterrorism in the past was seen as a police operation operating within a human rights framework—for example, that is how the British

dealt with the IRA or Spain with the Basque nationalists. The Bush administration made it into a "war," both domestic and international—a major conceptual leap that startled everyone working on human rights (Rizer and Hartman 2011).

In response to 9/11, the Bush administration basically questioned many of the safeguards in the law, especially with regard to the settled area of human rights law—civil and political rights, including freedom from torture—the first generation of rights (Leung 2010). The US adopted the Patriot Act, which had draconian powers, and enabled extensive surveillance of the population. Edward Snowden is a hero for many people in that his exposures have forced the US government to cut back on the very negative aspects of the Patriot Act.

In addition, after 9/11 the world had to deal with the hellhole known as Guantanamo, a place that at best could be described as a place beyond the law, where military commissions are still meting out rough justice (Koren 2016). I was involved in one of the Guantanamo cases: the case of Omar Khadr, a child soldier. I was amazed by what I heard, and the people seeking my assistance were the military defense attorneys who were assigned by the military to defend Khadr. These young officers from the US army were appalled by what was happening to this young boy.

Guantanamo will not fully go away because the US Congress refuses to let any of the inmates into the US to face a fair trial, and home countries refuse to take back their nationals who are kept in Guantanamo but have not been charged. The American Civil Liberties Union and the Center for Constitutional Rights, brave and persistent lawyers—many of them from the Jewish faith, pointing again to the universalist vision of human rights—keep struggling against many odds, including threats to their own security and hate from their neighbours, in order to protect the rights of their Muslim clients. Yet Guantanamo lingers like a cancer on the body politic.

Finally, the Bush administration's aggressive pursuit of counterterrorism has raised a whole host of technological and legal issues. For example, the widespread use of the strategy of targeted assassinations has created major problems for those of us interested in the protection of civilians. Under what regime do we look at targeted assassinations? Do they qualify as "armed conflict" under an international humanitarian law regime where you can kill combatants, including those now classified as "continuous combatants," even while they are sleeping? This is the argument that was used by the US with regard to the killing of Osama bin Laden (Jaffer 2016).

"Armed conflict" is also the framework used to justify targeted assassinations in the form of bombing an alleged terrorist in a public location or a building. Under this line of argument, wherever an alleged terrorist is present, that place becomes a justifiable military target. In that case, no one is safe anywhere, including children. I must immediately add that the ICRC has not endorsed this line of thinking.

In the alternative, is apprehending and assassinating terrorists to be approached as a "police-style operation"?—after all, there is no armed battle of any sort taking place. Then the use of force would operate under a human rights regime where you can kill only in self-defense or if such killing is absolutely necessary (Office of the United Nations High Commissioner for Human Rights 2004). For example, when pursuing the Boston Marathon bombers, a pursuit that is technically a part of the War on Terror, no one was bombing buildings from the air and killing Americans and calling it collateral damage. It would not even have crossed anyone's mind. They just conducted a police operation.

Nevertheless, there is an area where new international policy and action are absolutely necessary with regard to international humanitarian law, and that is in the area of drones, biowarfare, and other similar technological innovations used for armed attack. For example, what are the procedures that must be taken prior to a drone attack to avoid civilian casualties? How do we measure the humanitarian doctrines of collateral damage and military necessity in the eventuality of drone attacks? Can drones cross national boundaries using the "hot pursuit" legal argument?

In drone attacks, the claim is that collateral damage is far less and the strikes more precise than with the usual type of aerial bombardment. There is still collateral damage, and the surveillance and intimidation of the population is constant and total. According to reports, children are terribly traumatised by the persistent droning sound above their heads throughout the day and night. If you want to read an excellent report on the effect of drones on the targeted population, go to the report jointly prepared by the human rights clinics of Stanford University Law School and New York University Law School. At great risk to their lives, these young students went to northwest Pakistan, lived with the population, and then wrote what I believe is an excellent report—a basis for future international action (International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NYU School of Law 2012).

The problem with US—and, I must add, Israeli—approaches to these matters is that there is immediate copycat activity around the world that

enables all kinds of security operations with dire consequences for civilians. Even in the Sri Lankan context, whenever I hear the words "human shield" or "grey area between combatants and civilians" or "old women forced into building bunkers are really combatants," my antennae go up. It only means that someone is saying that someone else's life is not worth saving. Luckily, the ICRC so far has not given in to the pressure from the so-called counterterrorism lobby to change the substance of international humanitarian law. They have indicated that they are about to publish a comprehensive new text involving their interpretation of all these matters. As guardians of the Geneva Conventions, their arguments will be persuasive.

In addition, there have been far-reaching technological developments in the areas of surveillance and biowarfare that are secret and of which the public remains completely unaware. It is time for full disclosure and regulation so that the average citizen can be protected (Casadevall 2012).

There is now a growing international movement for developing an international convention on drones. There is also a need for full exposure and conventions in these other areas of surveillance, biowarfare, and technological warfare. With regard to drones, US President Barack Obama understood this need when he laid out an executive order spelling out the criteria and procedures that must be used for a drone attack. It is time that, based on the evidence available, we encourage the international system to start hitting the brakes and to start developing comprehensive conventions with important accountability provisions, as the US and many other countries go into more activities involving drones, surveillance, and technological warfare.

The War on Terror was a major setback for civil and political rights. At the same time, the institutions and processes set up earlier in the 1980s and the 1990s are now working in an even more systematic manner, constantly fact finding, gathering evidence, and filing reports. As I said earlier, information on human rights abuses is gathered and processed on a constant basis. As a result, violators of human rights today have really no place to hide. We then have this strange paradox of intensive human rights activity by UN organizations from the grassroots upward existing alongside major human rights challenges at the international level.

The War on Terror was also justified by the unilateral use of the doctrine of the Responsibility to Protect, especially in Iraq. This killed the doctrine in its infancy. Everyone who supported this doctrine within the United Nations, as I said earlier, was totally opposed to unilateral action

and wanted the imprimatur of the Security Council and multinational decision-making. One of the main purposes of the doctrine was to prevent unilateral decision-making on this matter.

When I was young, I was a complete pacifist and hated violence in every sense. But in my work with women and children I have sometimes seen the justification for military action, such as, for example, in response to Joseph Kony and the Lord's Resistance Army in Uganda. I am being truthful because I have been a practitioner longer than I have been an academic, and even though military action just goes completely against my intellectual grain. But when I sit in the mud huts of women in Central Africa or in concrete buildings in Bosnia or in containers in East Timor and hear the stories, I cannot honestly say that I do not think about the use of force—at least for the protection of civilians. Even for an old Gandhian like me, when I see people's faces my mind does go there. Yet I agree with all the critics that this is a very dangerous opening and must be strictly guided and the decision-making must be truly multinational. Most importantly, the soldiers going in should not reenact a colonial performance. For this reason, a review of UN peacekeeping called the Global Peace Operations Review, a product of the New York University Center on International Cooperation, has suggested that the peacekeeping units that intervene should be highly trained multinational troops from the region or continent concerned.

Two final challenges have also emerged in the new century, with some justification as the concept of human rights expands and becomes the main discourse of both governance and dissent. The first is the issue of double standards voiced by countless scholars from around the world, and the second is the specific criticism made of the human rights movement and its practitioners by scholars like Professor David Kennedy and also Professor Samuel Moyn of the Harvard Law School.

As a global community, we have inherited this edifice of human rights that has been created over decades. We cannot escape it, and our best diplomats have understood that and have engaged it successfully at different stages of our history. Nevertheless the one question on everyone's mind is, of course, the question of double standards.

There is no question that international power and politics insulate some countries over others. There is no doubt that we should struggle with all manners at our disposal to fight the unequal distribution of power in the global system. And yet, the truth is that double standards do exist even in national legal systems. Let us turn the searchlight inward—let us

take our own national systems. Many of us also have double standards and impunity for the rich and the powerful. National and international legal systems are not that different. In fact, I have found in my work a constant correlation—those governments that scream double standards the loudest are also those that have the greatest amount of internal impunity.

So we must ask ourselves: Is the answer to these double standards at the national and international level to do nothing, dismantle the entire criminal justice system, let everyone go free, and allow for widespread impunity? Surely not. The answer is to keep putting on the pressure so that impunity will eventually disappear and everyone will finally be held accountable.

The humanitarian approach to all this has always been very patient—one step at a time. Justice for one person is better than justice for none. There may be double standards but with one conviction there will also be a measure of deterrence. Convictions always send a very strong signal. After the case against Thomas Lubanga was filed by the ICC with regard to child soldiers, whenever I met rebel groups in the Sudan or even the Philippines as the special representative of the secretary-general on children and armed conflict, the first question was always, "What about the ICC?" That, to me, is the beginning of deterrence.

Nevertheless, as Professor David Kennedy has reminded us many times over, things are far from perfect in the world of human rights. In his book *The Dark Sides of Virtue* he has a scathing—perhaps too sarcastic—critique of the human rights movement (Kennedy 2011). He points out a whole host of failings that basically prove the point that from being a movement for liberation, as it was in Latin America and South Africa in the early years, it has now become full of professional technocrats and self-servers chasing donor funding. The worst aspect has been the use of human rights concepts to justify unjustifiable interventions, whether it be the US in Iraq, or Russia in eastern Ukraine.

Professor Kennedy is somewhat correct, and I agree with him that there is a need for internal soul searching. His latest book, *A World of Struggle*, also reiterates that the international world is not a place of perfect order but one where competing claims and contestations take place—among them in the discourse of human rights (Kennedy 2016). Though he does not reject human rights completely, he seems unhappy that human rights has basically overwhelmed the discourse of dissent and emancipation, and he feels that the structure of human rights activity will not lead to true emancipation.

For me, the overwhelming use of human rights discourse is actually a sign of strength—a universal language that has emerged due to the

consensus of countries, whether their consent was genuine or cynical. Three generations of women in the Central African Republic who were brutally gang raped and who went to the Hague can rely on the precedents set by brave Bosnian women who came forward in the former Yugoslavia, or JJ, the first Rwandan woman to come forward with great courage and trepidation in Arusha, and whose trial I attended. That is global in the good sense. And that is what we need to do—wrest human rights away from the language of governance that gives it an air of falsity to form the basis of a global language of dissent and social justice. As Professor Kennedy and all my friends in the subaltern movement would agree, the question—as with any discourse—would be who uses it and for what.

To move forward then, scholars and activists from the Global South have to rediscover Jürgen Habermas, Edward Said, Spivak, and even Frantz Fanon (Ambesange 2016). All these thinkers did not take the struggle for critical inquiry and progressive struggle outside the humanist frame. Fanon believed all these rights would be achieved in the postcolonial order, and Habermas and the Frankfurt school were always progressive within the frame of human creativity.

For Said and Spivak, the issue of humanism is deeply connected to the demise of the study of the humanities in universities throughout the world. As Said wrote just before he died, "What concerns me is humanism, as a useable praxis for intellectuals and academics who want to know what they are doing, what they are committed to as scholars, and who want also to connect these principles to the world in which we live as citizens" (Spanos 2009). Spivak, too, despite her strong criticism of certain human rights practices and its sometimes othering gaze, seems to also be of the same mind in her famous Amnesty International lecture. Here, again stressing the importance of the humanities—an emphasis I completely agree with—she argues that the future lies in young people going to the grassroots, finding a new kind of education for the Global South, and educating children and young adults in the values of critical inquiry and the humanities.

As you can see from what I have said so far, human rights is a theory and a practice at the United Nations that has been long in the making. It is not the plot of an individual country or groups of countries; it is a discourse used by everyone and is precious to many blocs around the world. It is a concept that has grown and evolved because of situations on the ground, whether it is World War II, apartheid in South Africa, disappearances in Latin America, genocide in Rwanda, or the new technologies of war. Nevertheless, it has also been a contested area and a site of great struggle.

My plea, then, is to "take it back," bring human rights home to where it belongs—with the powerless and the disenfranchised.

Just before I left the UN, I met an Asian diplomat who said that the days of human rights and Western dominance were over, and that it may be the best time for me to leave. As he said this with a cynical smile I thought of the countless women and children I have met around the world, victims of the worst kind of brutality. I have to insist to Žižek and many others in academia that for these women, the issue of human rights was truly devoid of politics and was a real whisper of hope. I remember one woman in Rwanda, who had been brutally raped and who was forced to kill her own child by burying him in the sand, say to me, "Take my story, take it to Geneva—this must never happen to another woman."

References

Althusser, Louis. 1970. "Ideology and Ideological State Apparatuses." *La Pensée* 151.

Ambesange, Praveen. 2016. "Postcolonialism: Edward Said & Gayatri Spivak." *Research Journal of Recent Sciences* 5, no. 8: 47–50.

Appiah, Kwame Anthony. 2006. *Cosmopolitanism: Ethics in a World of Strangers.* Penguin.

Atwood, Margaret. 1985. *The Handmaid's Tale* (1st ed.). Canada: McClelland and Stewart.

Baxi, Upendra. 1976. *Access, Development and Distributive Justice: Access Problems of the "Rural" Population*. Indian Law Institute.

Bhatnagar, Rashmi. 2004. "Meera's Medieval Lyric Poetry in Postcolonial India: The Rhetorics of Women's Writing in Dialect as a Secular Practice of Subaltern Coauthorship and Dissent." *Boundary 2*, vol. 31, no. 3: 1–46.

Buchanan, Ian. 2010. *A Dictionary of Critical Theory*. Oxford: Oxford University Press.

Casadevall, Arturo. 2012. "The Future of Biological Warfare." *Microbial Biotechnology* 5, no. 5: 584–87.

Chakrabarty, Dipesh. 2007. *Provincializing Europe*. Princeton: Princeton University Press.

Chatterjee, Partha and Pradeep Jeganathan, eds. 2001. *Community, Gender, and Violence: Subaltern Studies XI*. Columbia University Press.

Coomaraswamy, Radhika. 2012. *Children and Justice During and in the Aftermath of Armed Conflict*. New York: United Nations. Retrieved from http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_1957.pdf.

Equality and Human Rights Commission. n.d. "International Convention on the Elimination of All Forms of Racial Discrimination." Accessed July 20,

2017. https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/international-convention-elimination-all.

Forsythe, David P. 2012. *The UN Security Council and Human Rights: State Sovereignty and Human Dignity*. Friedrich-Ebert-Stiftung.

Foucault, Michel. 1992. *Society Must Be Defended*. London [u.a.]: Penguin.

Human Rights Watch. 2004. "War in Iraq: Not a Humanitarian Intervention." January 25, 2004. https://www.hrw.org/news/2004/01/25/war-iraq-not-humanitarian-intervention.

Ignatieff, Michael. 2000. "Human Rights as Politics" and "Human Rights as Idolatry" (lectures, Princeton University, part of *The Tanner Lectures on Human Values*, April 4–7, 2000).

Ignatieff, Michael. 2011. *Human Rights as Politics and Idolatry*. Princeton: Princeton University Press.

International Coalition for the Responsibility to Protect. n.d. "Adoption of First UN General Assembly Resolution on RtoP." Accessed July 20, 2017. http://responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/2550-adoption-of-first-un-resolution-on-rtop.

International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NYU School of Law. 2012. *Living Under Drones: Death, Injury & Trauma to Civilians from US drone practices in Pakistan*. Retrieved from http://chrgj.org/wp-content/uploads/2012/10/Living-Under-Drones.pdf.

International Justice Resource Center. n.d. "Universal Jurisdiction." Accessed July 20, 2017. http://www.ijrcenter.org/cases-before-national-courts/domestic-exercise-of-universal-jurisdiction.

Jaffer, Jameel. 2016. "How the US Justifies Drone Strikes: Targeted Killing, Secrecy and the Law." *Guardian*, November 15, 2016. https://www.theguardian.com/us-news/2016/nov/15/targeted-killing-secrecy-drone-memos-excerpt.

Kennedy, David. 2011. *The Dark Sides of Virtue*. Princeton: Princeton University Press.

Kennedy, David. 2016. *A World of Struggle* (1st ed.). Princeton: Princeton University Press.

Koren, Mariana. 2016. "Who Is Left at Guantanamo?" *The Atlantic*, May 12, 2016. https://www.theatlantic.com/politics/archive/2016/05/guanatanamo-bay-forever-prisoners/482289.

Lakhi, Mukti. 2012. *Contextual Universalisms: Indigenous Discourses of Human Rights and Modernity in India and South Africa* (PhD). Faculty of the Graduate School of Cornell University.

Lal, Vinay. 2001. "Subaltern Studies and Its Critics: Debates over Indian History." *History and Theory* 40, no. 1: 135–148.

Leung, Jocelyn. 2010. "Deconstructing Dershowitz and his Torture Warrants." *E-International Relations*. Accessed July 20, 2017. http://www.e-ir.info/2010/02/01/deconstructing-dershowitz-and-his-torture-warrants.

Mamdani, Mahmood. 2014. *When Victims Become Killers*. Princeton: Princeton University Press.

Moyn, Samuel. 2014. *Human Rights and the Uses of History*. New York and London: Verso.

Muzaffar, Chandra. 2002. *Rights, Religion and Reform*. London and New York: Routledge Curzon Press.

Nietzsche, Friedrich. 1886. *Beyond Good and Evil*. [Place of publication not identified]: Wordsworth Editions Ltd.

Nussbaum, Martha and Amartya Sen. 1993. *The Quality of Life*. Oxford: Clarendon.

Obeyesekere, Gananath. 1987. *The Cult of the Goddess Pattini*. Delhi: Motilal Banarsidass.

Office of the Special Adviser on Gender Issues and Advancement of Women. n.d. "Landmark Resolution on Women, Peace and Security (Security Council Resolution 1325)." Accessed July 20, 2017. http://www.un.org/womenwatch/osagi/wps.

Office of the United Nations High Commissioner for Human Rights. 2004. *Professional Training Series No. 5/Add.3 : Human Rights Standards and Practice for the Police*. New York and Geneva: United Nations.

Office of the United Nations High Commissioner for Human Rights. n.d. "Who We Are." Accessed July 20, 2017. http://www.ohchr.org/EN/AboutUs/Pages/BriefHistory.aspx.

Pictet, Jean S., Frédéric Siordet, M.W. Mouton, Jean de Preux, and Oscar Uhler. 1994. *The Geneva Conventions of 12 August 1949*. Geneva: International Committee of the Red Cross.

Rizer, Arthur and Joseph Hartman. 2011. "How the War on Terror Has Militarized the Police." *The Atlantic*, November 7, 2011. https://www.theatlantic.com/national/archive/2011/11/how-the-war-on-terror-has-militarized-the-police/248047.

Rush, Norman. 1993. "Race and Reason." *Transition* 60: 166. http://dx.doi.org/10.2307/2934926.

Seth, Andrew. 1893. "Epistemology in Locke and Kant." *The Philosophical Review* 2, no. 2: 167. http://dx.doi.org/10.2307/2175664.

Slaughter, Anne-Marie. 2004. "Courting the World." *Foreign Policy* 141: 78. http://dx.doi.org/10.2307/4147552.

Spanos, William. 2009. *The Legacy of Edward W. Said*. Urbana: University of Illinois Press.

Subrahmanyam, Sanjay. 1998. "Hearing Voices: Vignettes of Early Modernity in South Asia 1400–1750." *Daedalus* 127, no. 3: 99–100.

United Nations Treaty Collection. n.d. Accessed July 20, 2017. https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4&lang=en.

University of Minnesota Human Rights Library. n.d. "Velasquez Rodriguez Case, Judgment of July 29, 1988, Inter-Am.Ct.H.R. (Ser. C) No. 4 (1988)." Accessed July 20, 2017. http://hrlibrary.umn.edu/iachr/b_11_12d.htm.

UN News. 2011. "Interview with Edward Luck, Special Advisor to the Secretary-General." August 1, 2011. http://www.un.org/apps/news/newsmakers.asp?NewsID=3.

UN Women. n.d. "Rwanda." Accessed July 20, 2017. http://evaw-global-database.unwomen.org/en/countries/africa/rwanda.

Wells, H. G., Malvina Vogel, and Brendan Lynch. 1978. *The War of the Worlds*. [Place of publication not identified]: Thomson Heinle.

Žižek, Slavoj. 2013. *Less Than Nothing: Hegel and the Shadow of Dialectical Materialism*. London [u.a.]: Verso.