



Societies Without Borders

Volume 10 | Issue 1

Article 10

2015

Review of Jennifer Curtis, *Human Rights as War by Other Means* (Philadelphia: University of Pennsylvania Press 2014)

Kubilay Y. Arin Mr

Portland State University, kubilayarin@hotmail.com

Follow this and additional works at: <https://scholarlycommons.law.case.edu/swb>

 Part of the [Human Rights Law Commons](#), and the [Political Science Commons](#)

Recommended Citation

Arin, Kubilay Y.. 2015. "Review of Jennifer Curtis, *Human Rights as War by Other Means* (Philadelphia: University of Pennsylvania Press 2014)." *Societies Without Borders* 10 (1).

Available at: <https://scholarlycommons.law.case.edu/swb/vol10/iss1/10>

This Book Review is brought to you for free and open access by the Cross Disciplinary Publications at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in *Societies Without Borders* by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

**Review of Jennifer Curtis, *Human Rights as War by Other Means*
(Philadelphia: University of Pennsylvania Press 2014)**

Jennifer Curtis, author of *Human Rights as War by Other Means*, traces the use of rights discourse in Northern Ireland's politics from the local civil rights campaigns of the 1960s to present-day activism for truth recovery and LGBT equality (p. 33). While reading this remarkable study, I asked myself to what extent her criticism of human "rights discourse has functioned as a war by other means" (p. 4) in Northern Ireland. The end to the IRA's military campaign eventually led to the 1998 Good Friday Agreement (GFA), signed between the British and Irish governments, that brought a fragile but enduring peace to Northern Ireland. Dr. Curtis maintains that the Northern Ireland conflict remains "unique" in different angles, most notably the circumstance that "non-state actors" were responsible for "many casualties" (pp. 25-33). Though, certain topics are not "unique" to Ulster. Her political question is whether and how people use the language of human rights to legitimate violence which is challenged throughout the globe, at any time, particularly considering "humanitarian interventions". She rejects that "human rights" are exclusively debated as "the only kind of politics", but she brings forward that its "discourse" has overshadowed "other global issues". She also believes that "historical analysis" of this peace settlement in Northern Ireland enables us to think in more concrete terms on the consequences of "legal or abstract principles" (p. 34).

To categorize the conflicting communities in Northern Ireland, she prefers the terms "political," "ethno-political," or "national." As an anthropologist, she recognizes that interviewees formed her "understanding of the conflict". Most of them were secular working-class, which are religious in name. As a consequence, she rejects the categorization as "sectarian" in her analysis. For her it may serve to "describing specific phenomena, like religious discrimination". Nonetheless, she underlines that religion characterizes "political identity" (p. 43). In her view, she would have seen "the conflict differently if she had worked with the Orange Order or a Catholic organization" as "religious institutions have had contested degrees of importance and influence within political groupings over time".

Civil rights discourse in Northern Ireland serves as a reminder "against uncritically accepting discursive claims". Even though it simultaneously warns of "purism about human rights politics". The Civil rights movement in Ulster is integrated in the "global expansion of human rights advocacy and law since the end of the twentieth century". Like other critics, she tries to get to the bottom of "the proliferation or politicization of human rights." While she remains "suspicious of rights talk", she rejects warnings about "third generation" or "invented" rights which according to her miss the political foundations and the achievements of "the human rights project". Thus, the allegation of "politicization" often incriminates the rights of minorities who attempt to obtain legitimate "access to both rhetorical power and legal

authority". These entitlements shall provide political, economic, and legal equality. By rejection, instead of "critically assessing", opponents limit human right demands, Curtis claims (pp. 103-8).

For adherents of "armed struggle, the Irish nation's right to sovereignty and self-determination has ideological precedence over other rights". The anthropologist stresses that "the primacy of national rights means that jurisdictional differences in legal rights are less important than sovereignty" (p. 112). Until the GFA, the Irish constitution claimed sovereignty over the whole island, this constitutional requirement rests "symbolic" for Jennifer Curtis. After the referendum in 1998, those articles granted citizenship to northern Irish, giving up on reunification. She upholds "that communal rights have succeeded at the expense of economic rights" (p. 94). With regard to history, she assumes that "anti-Catholic discrimination created inequalities between nationalists and unionists, making class-based alliances difficult" (p. 100). Even though "class structures are converging" due to anti-discrimination legislation and enforcement since the 1970s. Nevertheless, Northern Ireland stays one of the least developed regions in the UK, while the Republic of Ireland has not recovered economically since the 2008 financial crisis.

On the preferability of war by rhetorical means over war by physical violence, she writes that nonetheless a war by rhetoric "creates vulnerabilities for the future". To the question if renewed inter-communal violence in Northern Ireland is likely, she responds that "some new and former combatants continue to pursue armed struggle, and inter-communal clashes continue". For example, Loyalists took to the streets because of the flag issue; republican opponents to the Good Friday Agreements planned bomb attacks in Belfast. For her, the great danger consists of a return to violence and she puts the questions, "how intense it will be, and how much it will cost: in lives, and in people's diminished political capacity, quality of life, and economic opportunity" (pp. 128-9).

Whether the Good Friday Agreements (GFA) is doomed to fail, she asks if the GFA has been "the best agreement" that the signatories could reach. But unless there is public honesty about what the GFA does not achieve, and political will to address its gaps, she assumes it is "a fragile peace" (p. 201). The short detention of Sinn Féin leader Gerry Adams - on his alleged role in terrorist acts in 1972 - may prove the agreement flawed (pp. 153-8). Adams denies ever being in the IRA but was the crucial interlocutor in enabling Sinn Féin to secure a ceasefire from paramilitaries in the mid-1990s. Curtis blames all sides to have failed "to develop an approach to truth recovery" which shows "that the GFA has not transformed the conflict". She claims the GFA may be "a station on the way to a more permanent settlement". For a successful peace accord, the parties to the treaty should first analyze and resolve "the GFA's flaws and oversights". In general, the main concern rests in "maintaining the GFA", disregarding "other political goals". As the result of a long negotiation process, the GFA came about that is why she understands

its value and defense. But she draws attention to the fact “that beneficiaries of this particular settlement are unwilling to entertain alternatives because change could threaten their positions”. Their ignorance oppresses constructive criticism, and eliminates the evaluation “of alterations or alternatives” (pp. 207-11).

She describes the GFA as having produced a “minimal” peace (p. 25). In her view, the basic characteristics of a “maximal” peace would be “robust peace that politics and society enable, or at least allow, citizens to engage in disagreements and pursue political goals”. Vital and essential are “institutions and practices that enable political agency, rather than structural or direct violence”. Eventually, this is theory – “in practice, building institutions and practices takes time, effort, and continuing renewal”. To the contrary, failure would result in “collective rights ... [to] authorize and reproduce compulsion within groups”. So when daily life rests on “survival” and membership in the nationalist or unionist camps, “publicly challenging the failures of established politics is dangerous”, Curtis points out. Last but not least, she summarizes that “[w]hen the institutions of peace reproduce these categories as the basis for legitimate political expression, other experiences and politics are further marginalized—and ‘choice’ becomes even closer to meaningless” (p.21).