

De Búrca, Gráinne: Reframing Human Rights in a Turbulent Era. Oxford: Oxford University Press, 2021. ISBN 978-0-19-924600-7 (paperback). viii, 256 pp. £ 34.95

With *Reframing Human Rights in a Turbulent Era*, Gráinne de Búrca presents an uplifting and resolute book for a field in doubt of itself. It inspires on multiple fronts. The book uses the format of a monograph to defend the vitality and continuity of human rights as a legal phenomenon and as a comprehensive practice in a style that will have equal attraction for scholars, lawyers, institutional agents, or other experts, for activists, for the interested novice, and for teachers and students, as the backbone of a pedagogical syllabus. Moreover, it pursues a deliberate intellectual campaign by drawing a rigorous, analytical line around a beleaguered enterprise that de Búrca says counts more than its critics (especially the prominent intellectuals who share its humanist ethos) or disillusioned advocates say. In that respect, *Reframing Rights* is an activist text, in a field crowded by a different kind of intellectual activism across multiple fields, that criticises the uneven effects of human rights which arise from its bias toward existing regimes of power. De Búrca's different approach finds inspiration in the activist sensibility of the grassroots advocacy that propagated under the banner of human rights in the decades before COVID-19. The originality and style of the activist contribution of her book, and what that means for its expert and novice readers, is the focus of this review.

Reframing Rights situates its intervention in the present of 'our turbulent era' when human rights are rapidly losing leverage as a viable rubric for change. Though conservative backlash is an evident cause, de Búrca's principal concern is to tackle the growing disillusionment shared by activists and scholars that human rights never and more so, can never deliver. To those readers *Reframing Rights* makes a special commitment, not as a textbook, practice manual, ideas map, or another history, by reporting on the state of field in its broad, living spectrum and noting the signs of progress. The result is heartening because de Búrca's insights recover human rights as a means and as a utopic promise with which to shift repressive policies and progress critical intellectual endeavour. The argument advanced in *Reframing Rights* intends to develop 'constructive scholarly thinking about human rights' by seeing international human rights law as the anchor of a far more comprehensive practice (p. 5). The 'descriptive-theoretical' and 'experimentalist' account (which is also anthropological and sociological in its style) defines human rights to include law and the translation of normative vocabularies in institutional and activist campaigns in numerous local and international settings (pp. 13-14). How the axis between legal and moral norms and practice works as a progressive mechanism focusses de Búrca's research, especially in her

extended analysis of specific contexts and engagements. Her argument unfolds by bookending the experimental engagements relevant to gender equality in Pakistan (chapter 3), disability rights in Argentina (chapter 4), and children's rights and reproductive agency in Ireland (chapter 5) with critical appraisal of the relevant legal and social sciences literatures and the different stakes of her experimental thesis (chapters 1 and 2) and, finally, with an outline of prospects and options (chapter 6).

The insights gathered by de Búrca's reporting methods reassure advocates that they should persist because 'one-shot campaigns or short-term mobilisation rarely bring about fundamental or transformative change of the kind that is so often sought through human rights advocacy' (pp. 24-25) and that they are essential to the process. Shifts in policy do not occur by benevolent governments acting 'top-down', out-of-the-blue or alone. The case studies demonstrate that human rights progress through the idiosyncratic and creative use of rights and rights thinking by advocates to sustain and energise their campaigns 'from on-the-ground' in conjunction with 'collective reflection, reaction, and institutional response over time between multiple actors and institutions at various levels' (p. 38). An expectation among advocates or intellectuals of instant solutions will always lead to the conclusion that rights are inadequate and is bound to leave supporters of rights disappointed. Reframing the critical refrain 'not enough', popularised by the suggestive title of Samuel Moyn's recent historical study, *for the future of the human rights project* is one of the subtler achievements of de Búrca's timely book.¹ Her studies show that too much critique underestimates the potential of human rights that is contingent on *how* advocates engage *with* power. The patterns and results of human rights advocacy 'underscore its immense mobilizing potential' and 'show that the ideals, energy, and institutional support that have made it an often powerful, dynamic, and resilient movement in recent decades, will be much needed in the struggle for justice in the current turbulent era' (p. 201).

The book proves the point by selective tracking of recent campaigns (e. g. gender reform via ratification of the United Nations [UN] Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW] and its implementation after 1996) led by certain advocacy groups (e. g. Shirgat Gah) alongside a deepening of an existent, contemporaneous, conversation led by prominent activists or influential activist scholars (e. g. Farida Shaheed) or other human rights thinkers well known for their normative and empirical expertise on the issue (e. g. Sally Engle Merry) (pp. 56-61). Evidence of direct

¹ Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Cambridge, Massachusetts: Harvard University Press, 2018).

engagement by campaigners in the formal processes includes, in the CEDAW example, consideration by treaty monitoring bodies of Non-Governmental Organisation (NGO) reports in periodic reviews and the impact on domestic law reform or judicial process over time and despite significant governmental inertia (pp. 61-89). Other examples, in the context of Argentina or Ireland, reiterate the progressive pattern with different details and actors. The book traces how grassroots actors and other NGOs advance, repetitively and opportunistically, by taking advantage of international reporting procedures or complaint mechanisms and the uneven effects on domestic judicial, legislative, and executive processes and reform. Human rights campaigns in Argentina and again, in Ireland, demonstrate a gradual opening of local policy reform processes to activists in conjunction with their participation in (or influence on) specific international institutional processes. Participatory examples studied by de Búrca include contributions to treaty drafting processes or reporting on discreet issues (chapter 3 and chapter 4) or in Ireland, in processes relevant to international human rights review or reporting, through domestic litigation and legislative and policy reform, or by participating in the judicial processes of the EU (chapter 5).

The consecutive thematic focus of the book's case studies, gender-disability-gender/child, are cohesive in so far as different aspects of the rights of children and women track through the various contextual examples and work together to reinforce its thesis by identifying the complexity of common norms (dignity, equality, justice etc.), the different invitations for grassroots engagements, and the variety of results and lessons. The selective evidential emphases illustrate that domestic policy and legislative change does occur, it is slow (even decades long in the making), and reform rarely actualises via a hierarchical model of 'top-down versus bottom-up change' that assumes change is unilateral or always well-timed (p. 85). *Reframing Rights* argues that 'the balance sheet is neither all good nor all bad' (p. 201) and suggests that the future of human rights will depend in part on how advocates respond to the emergent dangers and opportunities of our 'turbulent' and even, 'frightening' era (pp. 192, 223).

There are few surprises that the present challenges that are most visible for human rights according to de Búrca arise from political illiberalism, digitalisation, climate change, the widening of socio-economic inequality, and the effects of COVID-19 (pp. 191-198). The qualitative methods and the presentism of her book, rearticulated in its closing pages as a roadmap, distinguish it among other scholarly works on human rights law or practice by clarifying its activist contribution. The activism of the book arises from the currency of its call to all participants in or supporters of the human rights project. The final chapter presents a picture of a world that is clearly fraught for human

rights and undeniably, thanks to the case studies and the interactive processes it exposes, less bleak. De Búrca agrees with a 2020 civic report that the dire outlook for activists is also a source of political motivation for civic action and that ‘huge openings for progressive forces’ remain (p. 219). Her book argues that ‘real transformation and change’ depend on optimising the existing opportunities for activists to influence domestic and international processes (p. 219). The book is an example of how creative thinking can also be a form of intellectual activism insofar as it is self-consciously programmatic, rallying supporters of the human rights project and outlining tactical opportunities. Imagining the book as an activist manual makes sense of its empirical focus on human rights practice and, for the novice or apprentice, by its publication in the annual EUI/OUP series, *The Collected Courses of the Academy of European Law*.²

For both types of reader, the nestling of qualitative facts (chapters 3-5) within theoretical observations and programmatic mapping (chapters 1, 2 and 6) transforms what would otherwise be *just* an elegant monograph or *just* a potential syllabus or *just* empiricism into a manual or map of the activist landscape in which normative systems can and do materialise. The observation reminds human rights supporters that rights succeed or fail by their engagements, and that all participants in the project are responsible for the implementation of the common framework (p. 41). The lessons drawn from the case studies outline how to navigate the field and, unlike an introductory text or survey of a field, how to participate in it and how to reinterpret setbacks as lessons.

The syllabus or training manual takes shape as a toolbox of ideas (esp. chapters 1-2 and 6) with various options identifiable from practice (chapters 3-5). The toolbox will be useful even for those with some exposure to the various debates and who will benefit, as a novice or student will, from a summary or index of viewpoints. Its lessons will therefore be apposite to a graduate classroom or as a training manual for international or domestic agencies dedicated to the implementation of rights or as a resource for civil society groups interested in the advocacy options explored by its peers or in which the normative targets, themes, or stakeholders are different. The systematic theorising of the field as a multidirectional and multidisciplinary endeavour invites new projects and maps ways of studying the past and the future of other human rights norms. *Reframing Rights* concludes by noting that ‘one of the more hopeful and even exciting features of the current period

² E.g. *Reframing Rights* is the coordinate text and title inspiration for the 2021-2022 international law course, ‘*Human Rights in Turbulent Times*’, offered at the Graduate Institute of International and Development Studies, Geneva.

of global turbulence is precisely that so much critical thinking and self-question is taking place amongst human rights practitioners on the future of the movement, and on how it needs to adapt in a period of profound destabilization and change' (p. 222). The multidisciplinary character of the study *alerts* advocates to the fuller dynamic that mobilises their projects and the other voices that are necessary to success. The study *reminds* advocates of their proven capacity and *inspires* them to pursue new approaches, new modalities of disruptive thinking and reform, and for more equal, non-hierarchical engagements based on experimentalism.

The methodological lessons for creative, multidirectional, and multidisciplinary scholarship, *are* a more subtle coincident of the book's support for the future of the human rights project. The invitation to creative scholarship is also one of the more hopeful and even exciting openings that still exists in a world that is in turmoil and crisis. *Reframing Rights* leads by its methodological example of how to draw on a plethora of practical sources to map out new approaches and to explore new avenues for critical thought. Each of the detailed case studies is a history of a recent human rights campaign, embeds it within relevant institutional, activist, and scholarly literatures, and discovers historical patterns. The methodological lesson for creative scholarship, however, is less about the history of certain human rights movements than about the pattern which becomes evident when the three, disparate examples and aspects of the common project, are visible in a single line. Those chapters synthesise a scholarly narrative about the openings for activism and make visible the pattern about how human rights mobilise as a less hierarchical and more optimistic, and worldwide, opportunity. Seeing patterns in legal processes and legal reform is a more complex task that critically uses qualitative details to argue for a more generalised cause.

The lasting achievement of *Reframing Rights* is to progress the critical and activist element of intellectual inquiry. Human rights do not belong, de Búrca tells international lawyers or scholars, only to the policy, laws, or decisions of governments or the international community. To assume rights are hierarchical and depend on power alone gives up on rights and leads scholars and activists to the cul-de-sac of disappointment or disillusionment that, against their intention, actualises their lack of agency or influence. *Reframing Rights* argues that human rights become clearer as a collective good and as a collective task by studying what happens in practice and theorising from actual experimental and experiential patterns. Its lessons alert every reader, irrespective of his or her expertise, of his or her potential voice in the progression of the common ideal as a pluralistic, participatory, diverse, dynamic, and iterative phenomenon. The creative thinking that de Búrca

advocates is also hers. Her book reveals that international law is only one element in the human rights equation and that transformative power depends on the engagements possible from rethinking and reframing normative regimes in challenging times.

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