

BOOK REVIEW

Human Rights, Islam and the Failure of Cosmopolitanism

By JUNE EDMUNDS (London and New York: Routledge, 2017), vi + 174 pp. Price HB £90.00. EAN 978–1317612414.

June Edmunds's work weighs in on the burgeoning debate on Islam and human rights in the European political sphere. The book is explicitly written in the wake of several terrorist attacks in Europe (the author highlights the Charlie Hebdo and Bataclan attacks in France and the subsequent state of emergency), which intensified debates on Muslim migrants, refugees, resurgent nationalism, and national security (often at the cost of Muslim civil liberties). In this context the author asks, 'Where do human rights stand in relation to the dilemmas thrown up by these latest attacks?'. Edmunds is clearly equipped to discuss these pertinent issues as a trained social scientist with a specialized law degree in human rights, and extensive research experience in issues related to migration, European Islam and human rights practices. In fact, the book seems to be built upon earlier article-length research on securitization and Islam (2011), European Muslims and post-national citizenship (2012), and Islam, human rights and cosmopolitanism (2013). Strangely, however, these are not explicitly cited in this current work. The book consists of eight robust chapters, including an introduction and conclusion, which alternate between empirical-heavy and more theoretically oriented content. It also contains an extensive bibliography and a short, but still convenient, index.

The introductory chapter (pp. 1–9) sets the stage for the author's general argument. Edmunds introduces the cosmopolitan claim that the rise of the modern global human rights regime represents evidence of cosmopolitan justice that goes beyond the boundaries of individual states. In the wake of the destructive inter-state conflicts of the twentieth century, this development is heralded as a 'cosmopolitan moment' uniquely situated in the European political sphere. Edmunds rejects this claim and sets out in the following chapters to disqualify it by highlighting the failure of the litigation for rights by Europe's Muslims. The introduction also outlines the scope of the book and gives short summaries of its chapters.

Chapter 2, 'Human rights as a "cosmopolitan moment"' (pp. 10–30), explores various 'cosmopolitan movements' throughout history, starting from ancient Greece and Rome. The author jumps from antiquity to the Enlightenment, effectively glossing over roughly twelve centuries of intellectual history. There is no mention at all, for example, of medieval and early modern natural law and natural rights theorists with regards to cosmopolitan thinking. The random

single-sentence reference to Early Modern Venice, Genoa and Amsterdam (p. 16) does not remedy the rather shallow nature of this historical account. It is to be understood that comprehensiveness is not sought after in a work of this nature (p. 14), but one is left to wonder if this account would not have been better left out altogether on account of its superficiality. This is unfortunate, as the author does make some keen observations later on in the chapter with regards to the latest 'instance' of twentieth-century cosmopolitanism. Edmunds identifies a 'cosmopolitan turn' (p. 25) which coincides with a 'wave of cosmopolitan optimism' (p. 26) in the social sciences. The author connects cosmopolitan claims and the emergence of the modern human rights regime by observing how cosmopolitan theorists construe the 'growth of universal rights institutions, treaties and law' in the post-war period as 'proof of cosmopolitan law' (p. 29). These observations are germane to the author's main argument, as it is exactly the claim of human rights as 'the golden standard for cosmopolitan theorists' (p. 28) she seeks to rebut in the remainder of the book.

Chapter 3, 'Post-national theory, citizenship and human rights' (pp. 31–47), examines parallel developments in post-national theory. The chapter surveys different variations of citizenship that go beyond the nation state (post-national, denationalized, disaggregated, cosmopolitan) and ends with a critique of post-national conceptions of citizenship (pp. 45–7). Despite several differences (p. 43), both cosmopolitan *and* post-national theories are similarly observed as a shift away from the nation state towards supra-national entities (such as the United Nations or the European Court of Human Rights) in terms of rights claims-making. Both approaches also share the optimism of the emergence of the modern human rights regime as evidence of universal or cosmopolitan notions of citizenship, an optimism the author thinks is fundamentally misplaced. Both cosmopolitan and post-national theorists have presented the protection of minority rights on a supra-national level, particularly the claims-making of European Muslims, as a primary support for their case. Edmunds, however, evaluates these claims as 'out of touch with recent political and legal developments' (p. 46). In fact, the majority of legal claims based on universal rights reasoning and international conventions are either 'systematically rejected' or pushed back to the sphere of national courts (p. 47). Edmunds hits the mark when she observes that in contradistinction to cosmopolitan and post-national claims 'borders matter more, not less' (p. 47).

Chapter 4, 'The rise of human rights activism' (pp. 48–63), explores human rights activism of European Muslims as a 'litmus test' to bolster respective cosmopolitan and post-national claims. It is at this point that the book turns to more empirically-oriented research, as it evaluates several case studies of human rights claims-making. Ultimately these sections seem to be the more interesting and valuable overall contributions of the book. This chapter surveys different modes of European Muslim politics, ranging from violent radicalism to peaceful political and legal activism. In an enumeration of acts of Muslim violent extremism, the author mistakenly mentions the example of the murder of Dutch politician Pim Fortuyn (2002), who was indeed known for his anti-Islamic politics but was actually murdered by the non-Muslim leftist radical Volkert van

der Graaf (this mistake is repeated on p. 106). In this chapter, which digresses into various topics, the identification of the rise of a 'new Muslim politics of human rights' is ultimately most germane to the central argument of the book. Edmunds highlights various instances of human rights activism as a form of Muslim resistance, both in Europe *and* in the MENA region, and claims there is 'a growing trend towards articulating particularistic demands within the universal discourse of human rights' (p. 56). A short theoretical discussion on the relationship between Islamic law and human rights (pp. 61–3) features only a single Muslim thinker, the reformist Abdullah Ahmed An-Na'im, at the expense of a vast array of other Muslim scholars active in this field (such as Anver Emon, Abdulaziz Sachedna and Recep Şentürk, to name just a few). This rather weak account is surprising in a book specifically devoted to the topic of Islam and human rights.

Chapter 5, 'Litigating for human rights' (pp. 64–82), is arguably the most engaging chapter, as it provides a detailed analysis of the outcomes of the litigation processes of Muslim human rights claims-making at various European courts. By demonstrating that many of these cases have in fact failed to produce positive results (or have simply been pushed back to national political settings) the author provides a strong argument *against* the cosmopolitan and post-national claim for human rights as an instance of cosmopolitan justice. In an excellent and detailed discussion Edmunds analyses an array of supra-national court cases (primarily at the ECtHR) as instances of Muslim claims-making that appeal to human rights language, such as bans on the headscarf (*hijāb*) and other forms of religious dress or expression. The chapter shows how in many ways the litigation for religious freedom amongst European Muslims has failed on a supra-national level. Defying the cosmopolitan insistence on supra-national cosmopolitan legal justice, many of these cases in fact preserved the 'sanctity of national interests' (p. 68). Edmunds aptly points out how 'ECtHR judgements have systematically used a wide margin of appreciation to defer to national governments, expressly contradicting any post-national thinking' (p. 70). She even goes so far as to portray the ECtHR decision making as inherently 'anti-cosmopolitan' (p. 76). In doing so, however, Edmunds appears to be unaware of the fact that the European Convention of Human Rights and the ECtHR as a legal institution were from the outset predicated on the idea that national states in Europe (who also implement the convention in their legal systems) take legal primacy. In addition, she fails to mention recent scholarship¹ on the crucial role imperialist politicians (such as Churchill) and conservative Christians played in the formation of the post-war European human rights regime, groups that arguably were not always inspired by cosmopolitan ideals.

Chapter 6, 'European immigration, asylum and the myth of cosmopolitanism' (pp. 83–108), moves beyond the case study of the litigation for rights. It provides

¹ See Marco Duranti, *The Conservative Human Rights Revolution: European Identity, Transnational Politics, and the Origins of the European Convention* (New York: Oxford University Press, 2017) and Samuel Moyn, *Christian Human Rights* (Philadelphia, PA: University of Pennsylvania Press, 2015).

a critical interrogation of Europe's self-image as a champion of cosmopolitanism. The author attempts to connect anti-cosmopolitan and nation-centred legal trends to the broader development of anti-immigration policies throughout Europe. These developments, Edmunds argues, are based on deeply felt fears and prejudices towards the cultural and religious Other. These sentiments also feed into popular imaginations that blur the line between 'immigration and asylum seekers and terrorists and Muslims', a development that is sometimes 'deliberately encouraged' by nationalist political leaders, or at least not actively discouraged by the political mainstream (p. 97). Due to the emerging migrant and refugee crisis European nations have 'shifted from a cosmopolitan approach ascribing human rights to new arrivals to a distinctly more communitarian approach' (p. 107). Hardly a 'model for cosmopolitanism' and multiculturalism, Europe has thus betrayed its self-perception as the 'European Dream as cosmopolitanism in action' ingrained in equality, tolerance and cultural diversity (p. 83).

Chapter 7, 'From cosmopolitanism to securitization' (pp. 109–28), continues this line of reasoning. It provides a helpful survey of the consequences of European mass migration, such as the rise of Islamophobia and the state surveillance and criminalization of Muslim minorities. While there is a growing literature on this topic and this chapter does not contribute inherently original or novel insights, it still serves as a useful cursory overview of a topic that is central to the overall argument of the book. The subversive role of European states in curtailing Muslim rights is presented by the author as yet another layer of concern which complicates cosmopolitan aspirations and human rights ideals. European Muslims, Edmunds suggests, are increasingly viewed by national governments as a security threat or potential source of violent radicalism and terrorism, a development she calls the 'Islamization of securitization' (p. 111). In a post-Cold War era, Muslims are identified as a 'new enemy' (not merely outside, but also 'within' Western societies) and a 'threat to global stability'. Edmunds argues this shift of focus to internal security and the resulting 'withdrawal of rights from religious minorities' entails a severe blow to any aspirations towards 'cosmopolitan justice' (p. 113). The massive lack of success of litigation processes at the supra-national level and the inability to protect Muslim rights within national contexts leads Edmunds to conclude that cosmopolitan claims not only turn out to be terribly misjudged, but that proponents of cosmopolitan justice and human rights institutions have in fact 'failed' Europe's Muslims (pp. 121 and 124).

The final chapter (pp. 129–55) concludes the book with an attempt to weave together some of the thoughts and arguments the author has tried to develop at various places in the book. The author sets out to comprehensively re-think 'cosmopolitan theory and strategy' (p. 128). However, while relatively lengthy in extent, this chapter presents little in terms of new strategies to protect the rights of Europe's Muslims by means of thoroughly rethinking cosmopolitan theory. It starts out with lengthy digressions into Europe's colonial past, Orientalism and the rise of Western Islamophobia. It reiterates the shortcomings of cosmopolitanism and that across Europe it 'has not worked' (p. 139). Even in those

sections that actually engage cosmopolitan theory (pp. 139–44) one does not find the author developing her own argument or presenting an original contribution to remedy the perceived failure of the cosmopolitan cause. Instead, the discussion of other authors remains cursory and at times repetitive. Edmunds' proposal to develop a 'new politics of rights' based on grassroots political activism and political engagement that circumvents formal legal procedures is interesting but remains vague (p. 147). The book ends with the hope that the emerging second and third generation of European Muslims will find more effective ways of political action and rights campaigning, thus overcoming the 'cosmopolitan cul-de-sac' of litigation at the supra-national level of human rights institutions (pp. 150–5). While this hope is easy to sympathize with, it does not fulfil the promise of delivering concrete and actionable solutions to the problems and limitations of cosmopolitan theorizing which the author has otherwise excellently exposed throughout the book.

Then, a final word on language and presentation. Edmunds could really have put more effort into coherently presenting and logically connecting the ideas she utilized throughout the work. The book at times contains unnecessary digressions and repetitions in what otherwise certainly is a strong argument against cosmopolitan and post-national claims with regards to the modern human rights regime. In addition, the book is written in a style that is stilted and makes copious use of social scientific jargon and neologisms, which severely compromises the book's readability (take the example of 'crimmigration' on p. 100). Alas, this is a feature that haunts a lot of writing in the social sciences, and worse examples could certainly be found. However, it is a rather unfortunate feature of a book that otherwise excels in the strong argument it makes against the Eurocentric cosmopolitan trumpeting of modern human rights claims-making as an instance of cosmopolitan justice uniquely situated in the European political sphere.

Overall, Edmunds's book is a valuable and timely contribution to Islam and human rights. Notwithstanding some of the weaknesses pointed out in this review, the author's argument is appropriate and relevant, and the more empirically oriented chapters of the book are excellent supportive evidence. The book delivers on the promises set out in the introduction and sharply observes the discrepancies between cosmopolitan and post-national theorizing and the empirical reality of human rights claims-making. The book would do well in courses on human rights, migration and European Islam in general.

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