

Dear Colleagues,

We are happy to let you know that issues 21.2 and 21.3 of *The Journal of Human Rights* have been published and are now available at our Taylor & Francis site. These are both Special Issues that address human rights questions of our time. The first, entitled “The Impact and Future of International Human Rights Law,” explores the actors and forces that invoke, sustain and repress international human rights law. The second, entitled “Beyond Complacency and Acrimony: Studying Human Rights in a Post-Covid-19 World,” focuses on human rights and COVID-19. This message previews both.

21.2: The Impact and Future of International Human Rights Law

Tricia Redeker Hepner from the University of Tennessee Knoxville & Heather Smith-Cannoy from Arizona State University (ASU) convened a conference funded by the National Science Foundation at ASU to examine the impact and future of international human rights law.

In their words: “The 21.1 Special Issue constitutes a sub-set of the papers presented at the conference. Contributors explored the myriad actors and forces that invoke, sustain and repress international human rights law. From the movement against child marriage to the role of women in sustaining post-conflict peace agreements, the papers in this Special Issue show that far from dying, that the power of human rights lies in their enduring promise that a more just world can emerge from sustained and creative struggle.”

In the second article of the Issue, Suparna Chaudhry (Lewis and Clark University) and Andrew Heiss (Georgia State University) explore whether legal crackdowns on NGOs predict broader human rights repression. They use original data on NGO repression and additional data from the Varieties of Democracy project to test whether NGO crackdown is a predictor of political terror and violations of physical integrity rights and civil liberties. They find that while formal de jure anti-NGO laws provide little information in predicting future repression, how countries implement these laws—or de facto civil society repression—predicts worsening respect for physical integrity rights and civil liberties.

In the third article, Kamari Maxine Clarke (University of Toronto) explores the emergence of various international justice narratives that operate as legal non-performatives that make the law and law-making seem liberatory. She highlights the way that the ratification of a treaty may not qualify as a form of state expression or a speech act advocating human rights. Instead, it can be interpreted through semiotics, as sending a signal about a stance. It is through examining this proleptic space, she argues, that we begin to make sense of what we cannot yet see, and perhaps begin to forecast whether the core tenets of international human rights could be on the edge of reinvention or re-perpetuation.

Although Human Rights are considered inalienable rights for all, Azim Premji (University of Bangalore) analyzes how “universality” of human rights in India is being redefined for its citizens in the fourth article. Drawing on a discourse analysis of the human shield event, the article deliberates on how the right-wing appropriates the language of violations and afflictions to embolden its strategies to alter the grammar of human rights in India. It argues for a more engaged conversation between religious theology of rights and neoliberal ethics when approaching questions of recurrent human rights violations in the conflict zones of South Asia.

Throughout the 1990s and 2000s, Kurdish women reported sexual violence in state custody during intense conflicts between the Turkish military and the guerrilla organization PKK. In the fifth article, Nisa Gökse (ASU) and Jaime Morse (University of California, Santa Cruz) draw on archival research and in-depth interviews with lawyers and activists in Turkey, to trace the development of legal mobilization by human rights lawyers and activists who characterized state-led sexual violence in the Kurdish region as a war crime against women and brought cases before domestic courts and the ECHR. Inspired by the work of Kerem Altıparmak (2019), they develop the concept of “legal exhaustion” to characterize the emotional and relational aspects of legal mobilization in the context of war and counterterrorism politics. Bringing together scholarship in sociolegal studies and critical approaches to human rights, they argue that legal exhaustion is productive, not just an unproductive and constraining state, prompting human rights lawyers to sustain legal mobilization in/outside courts and critique national and international laws.

Intergovernmental institutions constitute “ecological” settings in which international human rights laws and norms are developed and shaped over time. Yet understandings of these settings remain limited. Notable feminist scholars of international law have argued that uncritical reliance on gendered dichotomies—such as objective/subjective, legal/political, and binding/nonbinding—has stunted knowledge of these spaces. Shanna Corner (Hope College) extend this critique in the sixth article by arguing reliance on yet another gendered dichotomy—the secular/religious—has further limited knowledge in this area. She demonstrates this using data collected as part of a qualitative study that examined how UN officials who work with women’s rights conceptualize the meaning of religion and its relationship to the human rights legal standards they work to interpret, monitor, and advance.

Understanding where and how to bolster human rights is arguably the underlying motivation of most research in human rights and the greater field of political science. Increasingly, an emphasis on gender has been shown to prevent conflict and reinforce peace, thus demonstrating how a reinforcement of women’s rights benefits the sustainment of peace. Yet, despite increasing evidence for this phenomenon, scholars have not fully explored how a focus on women and their needs fosters and preserves peace. Using existing research on women and peace, Anntiana Maral Sabeti (ASU), in the seventh article, identifies two types of policy instruments that may be more effective than others in establishing gendered peace and preventing states from relapsing into conflict: targeted and high-level. She finds that contrary to intuition, high-level policies could be more effective at generating gendered peace because of their ability to anchor important gender-based norms.

In the final article, Andy Vilian (Princeton University) discusses the movement to end child marriage. Although international and domestic laws prohibit child marriage, millions of girls are married every year. The global advocacy movement to end child marriage has gained momentum by standardizing its framing, using testimonies and symbols to mobilize solidarity, and engaging with policymakers to end the practice. This article draws on newspaper articles, advocacy reports, and interviews with activists in the United States and Latin America to identify the reasons behind its success and the challenges activists are grappling with as the movement evolves, including intra-network dynamics regarding the centrality of sexuality and the forms child marriage adopts around the world.

21.3 Beyond Complacency and Acrimony: Studying Human Rights in a Post-Covid-19 World

This Special Issue is guest edited by Giacomo Chiozza and Jeffrey King from the American University of Sharjah, who have provided the text that follows.

As the issue goes live online, we find ourselves in a period in which the world has “moved on” from the pandemic despite cases surging globally. As we face the continued pandemic, we focus on the impact, both short-term and long-term, that the pandemic has had on human rights conditions in a variety of settings.

The Special Issue is the culmination of a collaborative project that brought together scholars based in the United States, South Korea, and the UAE. The articles that you now can read in the Journal were discussed in two (online) roundtables and panels that were organized, with the sponsorship of the Sir Easa Saleh Al-Gurg Professorship, at the American University of Sharjah.

The question at the core of the project is simple and exacting at the same time: What effect has the COVID-19 pandemic had on the prospects of human rights currently and for the future?

This question is addressed directly across a number of articles in the special issue. We acknowledge that ‘Human rights’ have long been vulnerable to backsliding in many countries across the world. However, COVID-19 as seen by much of the scholarship, has had a corrosive effect on rights in many contexts. The article by Giacomo Chiozza and Jeffrey King provides an overview of the literature on COVID-19 and human rights and sets the stage for a new phase in the debate on the status of human rights in a post-Covid-19 world.

The first section of the Special Issue focuses on emergencies and states of exception. The interventions by Erica Chenoweth (Harvard University) and Sammy Badran (American University of Sharjah) and Brian Turnbull (University of South Florida) address how the pandemic intersected with one of the most effective tools to tame the coercive power of the state: the right to civil and peaceful resistance. While operating at different levels of analysis -- a macro-perspective in the case of Chenoweth, a micro-perspective of case studies of Egypt and Morocco for Badran and Turnbull – both articles illustrate interactive processes of learning and innovation by the state as well as by civil society movements.

The second section of the Special Issue is devoted to trade-offs, specifically how to protect human rights when the imperatives of public health and the imperatives of preserving human freedom, dignity, and equality may be at cross-purposes. Chad Clay (University of Georgia) and his co-authors use new and expanded data to demonstrate that the feared scenario of negative interdependence – a term coined by Goodhart – actually unfolded as the pandemic spread worldwide. Jeong-Woo Koo (Sungkyunkwan University), similarly, shows that public reaction in South Korea to pandemic response supports a negative interdependence position in an innovative analysis of Korean tweets.

The weight of structural inequalities emerges in the analysis of Alison Brysk (University of California -Santa Barbara). Her article introduces a novel concept “pandemic patriarchy,” not only to illustrate the worsening of women’s rights that occurred during the pandemic, but also to highlight the structural conditions upon which that worsening took place. Brysk’s article also develops a way forward: a feminist ethic of care that places the indivisibility, interdependence, and intersectionality of human rights as its core foundation.

In the final section of the Special Issue, Amanda Murdie (University of Georgia) takes stock of 20 months of scholarship on human rights during the pandemic, and identifies four major lessons: the need to have a better grasp of public opinion on human rights; the need to embrace a more holistic analysis of human rights beyond the near exclusive focus on physical integrity rights by quantitative scholarship; the need to address the imperative of preserving transparency and information access while combating against the poison of conspiracy theory and fake news; the need to assess whether, and under what conditions, human rights rhetoric is strategically used to mask surreptitious power grabs or to undermine some rights at the expense of others.

The intent behind this special issue was to analyze the effects of COVID-19 on human rights at the ‘halfway’ mark of the pandemic, situated in a period in which we have grasped many of the effect of the pandemic on human rights while speculating on the long-term consequences for it. From both our special issue and the continued pandemic, we can see the profound impact of the pandemic on human rights, where it has heightened the divide between those that have rights and those that do not. As the title of the Special Issue puts it, this is not the time for either acrimony or complacency. It is a time for a new engagement for the human rights of a post-COVID-19 21st century.

We hope you enjoy both Special Issues,

Rachel Chambers

Social Media Co-Editor