

## ***A New Theory of Human Rights: New Materialism and Zoroastrianism* by Alison Assiter (Rowman & Littlefield, London 2021)**

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*A New Theory of Human Rights* is the most recent book written by *Feminist Dissent* collective member Alison Assiter. It is a rich and dense book that puts forward a series of very important arguments about how we can reconceptualise the concept of human rights. Assiter begins the book by noting that it wasn't such a long time ago that many feminists and those on the left looked at the idea of human rights as an individualistic and bourgeois conception that should be transcended by a more radical form of politics. Liberal conceptions of human rights seemed so embedded in mainstream forms of politics among social democrats as well as conservatives that the idea of needing to construct a new theory of human rights would not have seemed particularly relevant. But this is clearly the case no longer; and central to this book's *raison d'être* is way this consensus has collapsed both on the right and the left. It has collapsed on the right through the emergence of forms of radically anti-democratic racist nationalism, sometimes religiously inspired, represented by Donald Trump, Jair Bolsonaro and Narendra Modi – figures who have flaunted their nativist chauvinism, misogyny and contempt for the whole idea of rights. This state authoritarianism sits alongside the re-emergence of extreme right political movements, promulgating racist theories of 'cosmic



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nationalism...[that] seek to extinguish the entire ground of universal humanism, equality and liberal modernity' (Bhatt, 2020:3).

In such a context one might have thought that those on the left would rush to defend concepts of human rights as vital foundations of a democratic polity, but no. Instead we see a series of arguments from leading 'progressive' social theorists such as Judith Butler, Radgar D'Souza and Saba Mahmood (all discussed in this book) who regard the argument of human rights as intrinsically connected to Western imperialism and colonialism. It is in the face of this that Assiter seeks to reconstruct the argument for human rights on a radically new philosophical foundation. She does this by going back to conceptions of an essential humanity, of a universal womanhood, interpreted through the lens of a materialist realism. It is these three concepts that structure the book through a series of interrelated arguments building on her philosophical writings and her engagement in the work of *Feminist Dissent* over many years. The book's project is thus nothing less the recreation of new conceptions of political and ethical 'universalism', rebuilt from the ruins of actually existing political philosophy.

In the first three chapters of the book Assiter offers a discussion of her understanding of materialist realism, and why she sees this as crucial in providing a foundation for a new understanding of human rights. She begins by outlining a distinctive conception of reality where the universe is constituted not statically but as a dynamic and constantly evolving force. As she says 'things manifest themselves as potencies and potentialities...which constitute a form of unfolding or freedom that is ubiquitous in the world (2021:2). Assiter's distinctive conception of materialist realism is derived from a feminist reading of the work of Schelling, Bergson and Kierkegaard, which she situates alongside the insights of Darwin and contemporary biology. At the centre of this approach is the view that 'humanity is continuous with the rest of animal

nature, and emerges from that nature' (2021:25). Her conceptualisation of human rights therefore derives not from a human consciousness separate from the natural world, as much western philosophy has argued, but rather from the powers that human beings derive from the natural world. In this sense human rights are 'expressions of the needs of humans' (2021:25) arising out of our embodied experience, but they are at the same time intrinsically linked to ethical questions concerned with our coexistence with the natural world. As Assiter argues:

*When we think ethically about other humans we think in terms of our responsibilities or obligations to others. If nature as a whole is a living entity...[then] the ethical concern includes a need to care for the nature that...'pre-exists' the human and...makes the human possible (2021:44).*

In this sense, ethical concerns are inherent in the way we meet our needs as humans rather than sets of rules that need to be bolted onto social life. By situating human consciousness in a continuous relationship with the natural world and by understanding ethical issues as arising out of the question of how we coexist with the natural world as well as with each other, she is able to reconceptualise human rights 'as derived from needs' (2021:60).

By conceptualising human rights as an immanent component of our presence on the planet, Assiter creates a platform for the second section of the book (chapters 4-6) where she takes issue with concepts of human rights as critiqued by postmodern constructivists such as Michel Foucault and Judith Butler. Fiercely rejecting the dominant intellectual fashions Assiter offers a defence of the concepts of universalism and essentialism, and of universal womanhood in particular. The central postmodern idea Assiter wants to challenge is its denial of universal categories. Butler's highly influential view that there is no such thing as a 'pre-discursive'

natural body; in other words conceptions of 'woman' are entirely social and cultural constructions. This means there are no inherent qualities that one can ascribe to all women, and to do so would be excluding, reductive and 'essentialist' (which is probably one of the worst things that can be said about you in the world of contemporary social theory). Assiter rejects this assertion. She argues that biology is still very important, and we should 'remember our biological bodies, since it is in virtue of these that we all share a concern for the natural world on which we all depend and from which we have all emerged' (2021:76).

But in line with the sense of 'potency and potentiality' outlined earlier in the book, these conceptions of 'biology' are seen to interact dynamically with cultural and social conceptions. This means that while the physical reality of womanhood is something she wants to presently situate as part of universal womanhood, her conception of this universality is itself dynamic and subject to change. While Assiter rejects postmodern constructivism and defends universality, at the same time she is seeking to create a concept of universality that is itself able to change and evolve while remaining crucial for constituting the basis for women's political struggles against violence and inequality. She writes: 'if we are to act as women to ameliorate domestic violence against women, to fight against the rape of women, we need the universal category of woman' (2021: 78). The biological is important but it is not inert, ahistorical or timeless. In this sense human rights are universal, but the universality being proposed is an interactive and relational system that creates the basis for ideas of equality, justice and human flourishing.

It is through the Aristotelian concept of human flourishing ('eudemonia') that Assiter moves on to an important critique of the postmodern argument that human rights are 'Western'. But rather than basing this on Greek philosophy, she goes back still further to ancient Persia and the conceptions of rights embodied in a Persian text, the Cyrus Cylinder

(inscribed in 539BCE). This text was influenced by the development of Zoroastrian religious thinking and contains within it a clear conception of human free will and how people should exercise their freedom to bring happiness into the world and bring about the dominance of good over that of evil. Assiter argues that 'rather than any texts of Locke, Kant or Rousseau or even Aristotle, the Cyrus Cylinder is proclaimed as the world's first charter of human rights' (2021:86). In making this point she is not claiming that Cyrus had a major influence on modern conceptions of human rights; but given that she regards issues of ethics, equality and freedom as based on universal needs and capacities, we should not be surprised to see them being addressed in the ancient world in terms not so dissimilar from those we would use today.

The point here is that we can ascribe conceptions of human rights to different origins and they do not have to be seen as originating in the European Enlightenment; indeed, the assertion that human rights began at that point could itself be Eurocentric. While Assiter sees the philosophy that developed in the Enlightenment as very significant, she is also very aware of critiques such as those of Paul Gilroy that pointed to the way Enlightenment concepts of 'the human' were built on the assumption of the practice of slavery. This represents a conceptualisation of the universal that was exclusive; however rather than throwing out the concept of universality, she wants to develop it further. She points to the way anti-colonial struggles sought to do exactly this – rather than asserting the particularity of colonised subjects, anti-colonial liberation movements asserted their common humanity and thus their entitlement to claim freedom and citizenship. While the concept of a right continues to be widely associated with liberal citizenship, 'it is possible to re-think the notion in a way that may be more in accord with a genuine conception of universal humanity' (2021:78).

In the concluding chapters Assiter develops this critique in a detailed assessment of the work of the post-colonial theorist Saba Mahmood, who follows in the footsteps of Foucault and Butler in situating human rights as a product of imperialism and colonialism. Mahmood's 2004 book *The Politics of Piety: The Islamic Revival and the Feminist Subject*, which discusses the Islamist women's movements in Egypt, is a study of women who join Islamist movements and running through this book is the argument that is important to recognise that the women who join these movements are demonstrating their agency, rather than their docility and passivity. Indeed, Mahmood holds up this expression of piety and obedience to God as something positive that this tradition offers women, and which she sees as unjustifiably excluded from the 'rationalist, self-authorising, transcendental subject presupposed by Enlightenment thought' (2004:13).

Assiter's concern is the way this argument constructs a binary between the 'western secular' that is seen as a foreign import, and the 'local religious', seen as 'authentic'. She sees this as a false opposition that romanticises religious identity, that fails to consider the wider political forces shaping these Islamic revival movements globally, and which also fails to consider the importance of human rights thinking that women across the Muslim world are adapting to assert their need to lead the lives they want. She quotes the Pakistani feminist Afiya Zia noting that 'patriarchy is a very valuable anti-emancipatory tool that enables men to "flourish" but to suggest that political critique of this should be suspended while analysing its cultural and religious situatedness is a hardly a definition of critical engagement' (Assiter:152). This points to how much post-colonial theory, while claiming to be sensitive to the local and the particular, fails to grasp how valuable concepts of universal rights have proved to be for women fighting oppression within those particular contexts.

The book concludes with the reassertion of the argument that all forms of special consideration for minority and marginalised groups need to be sensitive to the specific conditions in which that group finds itself, and also that the measure of equality and fairness lies in a universal conception of human rights. This is because human essence and universal rights are not separate from our embodied existence on this planet but rather the 'result of recognition of our universal embodied and material humanity which gives rise to a set of needs that, in its turn, produces rights and obligations on each of us' (2021:146). It is in this sense that a conception of universality matters most to those who are marginalised and excluded. In the depth of the current political crisis facing progressive feminist, anti-racist and left politics, it is difficult to overstate the importance of work like this that offers the philosophical foundations of a universal political project.

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