

BOOK REVIEWS

Seeing the Myth in Human Rights. By Jenna Reinbold. Philadelphia: University of Pennsylvania Press, 2017. Pp. 208. \$35.00 (cloth). ISBN: 978-0812248814.

The United Nations High Commissioner for Refugees estimates that there were 67.75 million people forcibly displaced by violence, persecution, and economic deprivation at the end of 2016.¹ Over the past five years, the number of displaced persons has doubled² as the globe slouches toward the violence-soaked refugee apex of the Second World War. Such realities challenge the ideal and the idea of universal human rights. In this world of woe, it is often difficult not to malign human rights as a “myth” in the pejorative sense of that term—a fictional, unrealized, or even delusional legal fantasy.

When Jenna Reinbold asks us to see the myth in human rights, however, she means something quite different. Drawing from the sociofunctionalist school of religious studies and focusing her attention on the 1948 Universal Declaration of Human Rights, Reinbold defines myth as “a mode of human labor that serves the broad, enduring function of generating meaning, solidarity, and order within all manner of human communities” (ix–x). Religion, in the sociofunctionalist understanding, is an “‘ordinary’ rather than . . . ‘exotic’” (10) aspect of human life: a *function* of communal, human meaning-making. Whatever the metaphysical or transcendental truth of any particular myth (and Reinbold has neither desire nor reason to expound on metaphysical truths given her subject matter), such myths are meaningful and purposeful to the humans who inhabit these narrative realities. Thus, in the concluding chapter, Reinbold summarizes the book’s goals by writing, “The sociofunctionalist approach allows us to locate the religious logic of this document not within the realm of metaphysics or transcendent meaning, but rather within the ‘ordinary’ dynamics of the [Commission on Human Rights] endeavor to generate a global moral community united in its ardent, multifaceted commitment to human dignity” (118–19).

For Reinbold, taking a sociofunctionalist approach to the Declaration enhances our understanding of both the Declaration itself and what Michael Perry recently termed “a global political morality.”³ In particular, a sociofunctionalist approach helps us to see the Declaration as something other than a rhetorically high-minded (but philosophically empty) political text or an unenforceable list of supposedly legal rights. Rather, the Declaration “is an avowedly secular document that is nevertheless painstakingly designed to do the mythopoeic work of encapsulating a prescription for human meaning, morality, and solidarity within an evocative, highly authoritative narrative” (11). This approach helps Reinbold account for and resolve the tension between the Declaration’s avowed secularity and its religious logic; to take seriously the framers’ attempt to transcend any religious (or philosophical) doctrine while still drawing on religious logics to freight the Declaration with an affective weight.

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- 1 Displacement figures retrieved from UNHCR’s “Population Statistics Database,” <http://popstats.unhcr.org>, on January 13, 2018.
 - 2 United Nations High Commissioner for Refugees, *UNHCR Statistical Yearbook 2015* (Geneva, 2017), 200, <http://www.unhcr.org/statistics/country/59b294387/unhcr-statistical-yearbook-2015-15th-edition.html>.
 - 3 Michael J. Perry, *A Global Political Morality: Human Rights, Democracy, and Constitutionalism* (Oxford: Oxford University Press, 2017).

Reinbold begins by describing the widespread shift in religious studies scholars' understanding of religion from an essential, universal, and transcendental phenomenon to a contextual, contingent, and political one. This shift has reconceptualized the cultural phenomena of mythmaking "as an enterprise that is deeply political and, simultaneously, deeply invested in the effacement of its own politics" (26). Myth, apart from any transcendental ground of truth, can thus be understood as a human process of meaning-making through the creation of authoritative narratives. This means that mythmaking can occur in the context of all sorts of human activity, including activity in the political realm. And in some political contexts, including the drafting of the declaration, the creation of *authoritative* narrative—which partakes of a religious logic—may depend on the purported cleansing of the religious from the political (29). Thus, Reinbold defines a "political myth" as "a highly authoritative narrative that 'presents' rather than argues its claims, and that does so while avowing to have divested itself of a particular religion, or, as in the case of the Declaration, of religion in general" (29).

If the Universal Declaration functions as a political myth, then what makes it authoritative? In chapter 2, Reinbold locates the "sacred center" of the Declaration in its assertion of inherent human dignity. One of the recurring themes in Reinbold's work is the way in which the Declaration's disavowal of religion sets it apart from other, seemingly secular, political narratives. "Unlike the paradigmatic eighteenth-century declarations that preceded it," Reinbold writes, "the Universal Declaration makes no endeavor to ground its most basic premise within any particular worldview or shared system of belief. . . . [I]t offers no substantive evidence—no 'strong foundational arguments'—for the existence of human dignity" (38). Instead, the Declaration's preamble "simultaneously presumes and performs its fundamental premise of inherent human dignity" (38).

To capture the efficacy of this tautological assertion, Reinbold again taps into analytical concepts from the discipline of religious studies. Reinbold sees the sacred in the Declaration's use of human dignity. Sacralization, for Reinbold, is the "narration of an unequivocal 'setting apart' . . . for the purpose of engendering a particular moral orientation and, more generally, a social world informed by this moral orientation" (43). The Declaration sacralizes human dignity by enshrining it as the ground of human rights in a way that "invites no argument and brokers no disagreement" (44). The simultaneous presumption and performance of human dignity mentioned above is a setting apart of human dignity; it is unjustified because it requires no justification; it is *a priori*, given no ontological ground in order to make it the ontological ground of rights.

But to say that human dignity takes on an ontological weight in the Declaration may overstate the case in an important way, according to Reinbold. The framers of the Declaration consciously avoided culturally narrow and ontological definitions of human dignity. Rather, in their concerted effort to universalize human dignity by stridently avoiding its location in any particular theological or philosophical genealogy, the framers created "an effectively empty, though universally resonant, category" (59). Human dignity is a sacred (self-justifying and inviolable) concept, but one that is sufficiently vague for different moral traditions to participate in its affirmation by means of their own values.

In chapter 3 Reinbold develops her account of human dignity's sacred *but empty* character. How does the Declaration unite a global community, while both sacralizing a fundamentally individual concept (human dignity) and leaving its meaning open to the interpretations of diverse moral traditions? The atomistic concept of human dignity and the invitation to enliven the category with different (and potentially fractious) moral theories would seem to be at cross-purposes with the universalist ambition of the Declaration. Reinbold argues that the Declaration's mythopoeic logic attempts to transcend these complications with an appeal to the idea of the human family. "The human family," Reinbold writes, "expresses the social logic of inherent human dignity"

(72) and “furnishes a resonant conceptual bridge between, on the one hand, our most intimate mode of social life and, on the other, the cosmopolitan social orientation appropriate to a world in which human dignity is held sacred” (75). The pedagogical function of the Declaration is key; we can learn how to act “in a spirit of brotherhood” toward all of humanity by drawing from our knowledge of our most intimate relations. “The notion of human family embodies this common responsibility, yet it also quite literally ‘domesticates’ its radical logic, embedding it within an image that . . . bespeaks our most proximate and familiar mode of social life” (78–79). The myth of human rights *teaches* the sacred importance of each individual’s human dignity *and* every person’s responsibility to see that dignity honored in every other person, as we would honor our family member—a “[c]ommunitarian vision intended to span the entire globe” (114).

Another distinction is important. While myths are stories or narratives, they are narratives with profound implications for action in the world. Political myth, then, would correspond to a particular kind of action in the world. This distinction is implicit in, and integral to, Reinbold’s discussion in chapter 4. Here, the animating question is how the human family preserves and protects the sacred principle of human dignity. According to Reinbold, “it takes shape in the Declaration as an endeavor to radically universalize the promise of the ‘rule of law’” (92).

Reinbold identifies the Declaration’s concept of persons’ “juridical personality”⁴ as performing important mythopoeic work in this respect. Reinbold connects juridical personality with Hannah Arendt’s famous claim that the idea of human rights failed in the Second World War as denationalization and statelessness stripped persons of the “right to have rights” (104–06). Juridical personality in the Declaration is an assertion of every person’s right to have rights and, thereby, their inclusion within the rule of law: “to bind the rule of law to the individual such that it becomes inconceivable—or more accurately, reprehensible, if not strictly sacrilegious—to place vulnerable people beyond the pale of law” (112). The concept of juridical personality contains the legal aspirations and implications of the Declaration. To dismiss the Declaration as an insufficiently legal document because it lacks sufficient enforcement mechanisms is, according to Reinbold, to view the functions of law too narrowly and overlook the important legal implications of the right to have rights.

Like religion, Reinbold conceptualizes law in a sociofunctionalist mode: law precedes from an understanding of the sacred and serves to coalesce the community in an orderly fashion around that notion of the sacred (97–99). Law, then, encompasses not simply rules but a spectrum of norms ranging from practical rules and procedures, on the one hand, to sacred moral norms, on the other. Juridical personality serves as a bridge of sorts, spanning from the moral norm of human dignity to the protection of that dignity through rule-based, regulatory institutions (principally states). But, the declaration does not simply reify the state-system of international law; rather, the Declaration is rightly skeptical of state protection of human rights and juridical personality supersedes the state by grounding the right to have rights outside of any state. As Reinbold writes, “In this respect, the Declaration both does and does not prescribe a specific system for the translation of human rights’ moral vision into law. It professes an openness to all political systems to the extent that such systems uphold the basic values enshrined in the Declaration—most centrally, the values of inviolable human dignity, common responsibility, and universal access to the rule of law” (108). The myth in human rights, then, includes a remaking of the global legal order that draws

4 As Reinbold notes, “juridical personality” does not appear in the English version of the Declaration; rather, the French “*personnalité juridique*” is rendered in the following English phrase: “right to recognition everywhere as a person before the law” (102).

upon existing legal institutions (principally states) but subsumes such institutions to the sacred principle of human dignity through the right to have rights.

In the concluding chapter of the book, Reinbold examines the implications of a mythopoeic reading of the Declaration. She titles this chapter “Making and Unmaking Political Myth.” To analyze the making of the human rights myth, she contends, is to unmake that myth by exposing its generative logics. The process by which the Declaration claims its authority is effaced in the mythopoeic narrative by the assertion of human rights’ always-already-given nature. To expose human rights as a mythopoeic creation is to expose its authority as contingent, not given. Reinbold does not, however, see the sociofunctionalist unmaking of the myth as a way of discrediting human rights. Instead, the sociofunctionalist approach combines an appreciation for the power and efficacy of a document like the Declaration with an explanation of human rights’ “indubitable hegemony” in global moral/legal discourse, while also opening a space for the kind of critical reflection that the mythopoeic enterprise endeavors to prevent. Borrowing a term from French philosopher Jacques Derrida, Reinbold sees the sociofunctionalist unmaking of the human rights myth as a contribution to the “perfectibility” of human rights: the simultaneous acknowledgment of the narrative’s affective capacity and its intentional effacement of histories and powers that deserve critical attention.

Seeing the Myth in Human Rights is a rich resource for new approaches to theorizing human rights. Reinbold helps readers understand some of the conceptual and practical tensions in the Universal Declaration of Human Rights. Tensions between religious logic and secular commitment, between universalism and particularity are often portrayed as flaws within the Declaration. When viewed through the lens of myth, however, these tensions have both a purpose and a resolution.

Perhaps most illuminating is the way in which Reinbold’s sociofunctionalist, mythopoeic reading of the Declaration begins to provide an explanation for the greatest tension of human rights: its emergence as a moral and legal *lingua franca* amidst widespread and pervasive violations. Reinbold’s analysis helps us ask whether the current crises of human displacement and human rights violations indict the very concept of human rights, and whether our answer to that question changes *if* the world understands these crises as desecrations of sacred human dignity. The Sermon on the Mount⁵ has not made a saint of every sinner who reads the Christian Gospels as sacred text, and neither has the Universal Declaration of Human Rights. But is there not a special kind of power in those narratives to shape our understanding of right and wrong, as well as our sense of rights and duties? Mythopoeic narrative is powerful. These stories do more than entertain or educate; they shape the world in which we live, and Reinbold has made a compelling case that our contemporary political world is profoundly shaped by the concept of human rights.

Reinbold’s central argument is densely woven in this short book with many other ideas. For example, throughout the book Reinbold offers fascinating analyses of Nazi philosophy, its sacralization of the *Volksgemeinschaft*, and the influence of the resulting “barbarous acts” on how the Declaration’s framers structured its mythopoeic framework. Reinbold’s discussion of the implicit (if unintentional) liberalism of the Declaration is also insightful. As elsewhere, she considers the framers’ efforts to craft a religiously and culturally neutral-yet-authoritative document. In conversation with leading theorists of secularization and secularism, Reinbold questions the framers’ ability to be so radically neutral when their belief in the possibility of a secular Declaration is so culturally rooted in Western legal and cultural traditions.

5 The Sermon on the Mount is an extended moral lesson delivered by Jesus in chapters 5–7 of the Gospel of Matthew.

Finally, Reinbold's book exemplifies well-crafted interdisciplinary scholarship and illustrates the benefits of such. Her use of methods drawn from religious studies to analyze a legal text is illuminating and fresh. Her analysis yields new and important insights without reading the law out of the Declaration. Her perspective complements other work that has been done on this subject. I look forward to teaching Reinbold's book not only for its substantive analysis, which I find engaging and thought-provoking, but for its method and execution, which will be a great example to my students.

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