In recent years, the body of literature around international human rights law has blossomed, with books offering readers a wide range of perspectives from charting its history, examining the challenges, reconsidering the origins to exploring the current circumstances. Rooted Cosmopolitans is a fascinating addition. In what way, however, does this book distinguish itself in this “crowd”?

The subject is too layered and its narratives so interwoven, that to treat it in but a cursory way would not do it justice. This, notwithstanding, I will attempt to broadly outline the main topics discussed before suggesting what I consider the take-away “added value” of this book.

The book offers an analysis of the path of 20th century’s Jewish contribution to the modern law of human rights through both micro and macro historical lenses, from the specific to the large-scale historical perspective. Weaving my way through the various engaging discussions provided in the book, I noted the intricate, often conflicting, even contradictory transmutations of the concept of human rights as it has been molded by many individuals, groups and institutions over time. Writing in the 21st century, the author alerts us to the fact that as the 20th century was nearing its end, “[w]e [were] left with a human rights universalism that pretends to come from nowhere…” (p. 299, emphasis added).

Rooted Cosmopolitans can also be read as a geo-political narrative. The origins and the development through the decades of international human rights law are explored and it is done through the optics, and the very life experiences, of the central Jewish norm entrepreneurs and activist protagonists of the 20th century. Far from international human rights law thus coming “from nowhere,” the reader learns that, in fact, it is imbedded in Jewish tradition and religion and is kindled by the persecution of Eastern European Jews during the 19th century. Reading Part One: “Emergence,” gave me pause to wonder whether the bulk of the contributors – indeed not all – to international human rights law, consists of a surprising number of Jewish lawyers.

The emergence and development of international human rights law is indivisible from the phenomenon of antisemitism and the perpetual plight inflicted upon the Jewish people, Loeffler points out agreeing with other historians. The plight relates both to the territory where the Jewish people were residing, as well as to the changing mood of the respective political regimes. To illustrate the point, a macabre joke is said to have circulated in Geneva after World War I, when discussions around international human rights law began: “[t]he Jews may have invented minority rights […] but it was the Germans who used them” (p. 34). The seed of international human rights law germinated in the concern for minority rights and rapidly branched into two main domains ensuing in what would become a perpetual and inherent dilemma. On the one hand, minority rights have been conceived to be applicable to any and all minorities in their country of abode; on the other hand, minority rights were also seen as reflecting a spiritual connection shared with members of the minority wherever they may reside. The latter has been essential to the Jewish community and, at the time, signified a sense of Zionist internationalism.

The inter-war years saw the collective endeavor of European minorities (spearheaded by Jewish lawyers) result in the codification of an international law that upholds and protects minority rights. As lip-service was paid by state governments to this law, compliance with it, as history teaches, has mostly strayed. In light of this, disappointed human rights advocates realised that in order to succeed in their endeavor, the backing of state power would be indispensable. With this in mind, Loeffler closely examines throughout the book the machinations of state politics – both internal and foreign – studying governments and stakeholders as they switch between abiding by (and even the encouragement to further develop) international human rights law, and resistance to (or support of only some aspects of) international human rights law.

The book covers how Jewish individuals contributed to the design of international human rights law and...
explores how Jewish politics dealt with balancing the relationship between individual and group rights. This dichotomy of universalism versus particularism reflects the two different experiences of antisemitism the American Jewish community encountered versus its British counterpart. In addition, the book reveals how the Jewish legal activist community was split internally over the relationship between politics and law. The essential dilemma faced was (and remains) strategic: Are law and politics separable so that the international human rights agenda can be pursued independently from any political agenda and power politics? Alternatively, is diplomacy the inevitable ally? Together, these issues permeate and accompany the Zionist idea as imagined and realized by Jews in both the Old (European) and New (American) Worlds.

The term “human rights” was introduced – albeit merely incidentally – into diplomatic language thanks to the January 1942 joint American-British-Soviet Declaration of the United Nations. Thereafter, international human rights law continued to be developed in relation to the drafting of the 1945 International Bill of the Rights of Man. Furthermore, various conventions addressing specific issues which pressed for the recognition of international human rights (such as the 1948 Genocide and 1951 Refugee Conventions and the 1948 UN Universal Declaration of Human Rights) have served as cardinal stepping stones in the further pursuit of rooting human rights in law; tackling more areas of protection and doing so exhaustively i.e., exploring each aspect of each area.

While the Holocaust (and antisemitism in particular) were key driving forces to the introduction of the international human rights discourse, other interested parties jumped on the human rights bandwagon and in this hustle, antisemitism was gradually and consistently passed over. It is important to note that even though international human rights law was increasingly becoming recognised as important, “practical” steps in ensuring that international human rights were upheld did not exist in the early 1950s. For example, while the idea of an international criminal court was raised (for the second time), no actual steps were taken in the 1950s to establish a court. Moreover, in the early 1950s, as the Cold War was heating up, America withdrew temporarily from the international human rights enterprise. Was this an instance of defiance of what has nowadays come to be known as a TWAIL [Third World Approach to International Law] claim for a multicultural human rights regime? Certainly, appreciations of, and willingness to, engage with this subject, as chapter 9 suggests, were diverging according to geo-politics and ideology – West European, American, and Soviet. One wonders whether these have been carried over into the 21st century. Did this represent an early Trumpist moment? Xi moment? What will the 21st century world (dis)order’s human rights legal terminology look like? Will it add to, or make obsolete, the achievements of 20th century human rights law?

Throughout the 1960s, set in the midst of a bi-polar rivalry, the very concept of human rights that helped advance the claim of national liberation and self-determination, was steered away from its originating track. This stage of the development of international human rights law saw many of the newly independent states, along with their Communist patrons and the Arab Bloc, transform (rather than cultivate) the early ideas of minority and individual rights. The author claims that former colonies, now empowered by their newfound state prerogative, have turned sovereignty into a double-edged sword, all under the guise of advancing international human rights law. Thus, “rights” were transformed from rights protecting from the state to the right of the state to effectively be immune from international human rights law. More recently, evidence that international human rights law has been ambushed to serve extraneous interests has transpired through the so-called lawfare strategy. In a regrettable travesty of justice, suggests Loeffler, as human rights evolved from minority rights to self-determination and then to individual and group rights, antisemitism (which, through this process, has been warded off from the human rights advocates’ ambit) now resurfaced but disguised as legitimate anti-Zionism. Loeffler wonders: “In a world full of unabashed autocrats and genocidal regimes, what explains the human rights community’s unswerving focus on the State of Israel?” (p. 262) For Jews, has international human rights law always been (partly) a chimera?

As Loeffler illustrates, the trajectory of the international human rights endeavor is interspersed with seminal instances and events consisting of legislative and drafting networking, conferences, and judicial highlights, such as the Nuremberg and Eichmann trials (two very distinct experiences). Moreover, genocide and crimes against humanity (coined by the Jewish jurists Lemkin and Lauterpacht, respectively) eventually formed the bedrock of the 1998 International Criminal Court. The establishment of the State of Israel, and later, the Six Day War, played another crucial role in the reshaping of the Jewish human rights engine. Although the State of Israel represents a minority’s rights and dreams come true (the Jewish dream of national self-determination in their aboriginal land),
the interconnection of Zionism and international human rights law has proven challenging to some of Israel’s supporters. The latter nevertheless played an indispensable role in the continued shaping of the concept of human rights as well as holding states accountable for human rights violations. Among these supporters were NGOs and other stakeholders. Noteworthy examples mentioned in the book are Amnesty International, which was founded by a British Jewish youth activist and evolved into the leading NGO commanding the most distinct global non-legal activist human rights movement, as well as The World Jewish Congress, which was the first NGO to obtain an official UN-affiliated status.

To be sure, Rooted Cosmopolitans is first and foremost a favorable tale of the Jewish founders of international human rights, their personal histories, their characters, fallibilities, their political allegiances, Zionist attachments, efforts, successes and failures. Many of them – mostly men but also a number of women – have been recognized and revered for their accomplishments. They include, to name a few, Hersch Zvi Lauterpacht, Jacob Blaustein, Rabbi Maurice Perlzweig, Jacob Robinson, Peter Benenson and his mother Flora Solomon, Raphael Lemkin, and Bella Ravdin. Others, such as René Cassin, are noted in the book as controversial, while some have faded into oblivion (their names less known and not widely commemorated).

This book offers a wealth of information and a colorful spectrum of the sources and trajectory of international human rights law. Loeffler’s proposition that to “[write] Jews back into the history of human rights fulfills a Jewish imperative to look backward into the past in order to rethink the future” (p. 299), certainly strikes a chord. The formative role played by the uprooted “wandering Jew” who, in the 20th century, tirelessly pursued both particular and universal human rights, emerges succinctly and indeed movingly; coining these formidable activists as the most “cosmopolitanly” rooted among human kind is a compelling statement indeed.

Similar to human rights’ serpentine 20th century path, often seized by a self-propelling dynamic – at times no longer safely monitored by its founders’ nor its stakeholders’ – so today, the furtherance of the legal and normative concept of international human rights is again approaching a critical junction. Writing this book review in Canada, it is impossible to ignore the long road navigated by this country since its early days as a member of the United Nations. As Loeffler indicates, back then, an extraordinary contribution was made by McGill University professor, John Humphrey, who in 1946 became director of the United Nations Division on Human Rights. Lately, however, the legal conversation on international human rights has become muddled. This is largely due to a liberal interpretation of the term genocide bypassing the precision so imperative to the effectiveness of the human rights legal regime.

To answer the question posed at the beginning of this review: my “take away” is that globally, modern human rights issues recently generated and challenged by a freewheeling cyber technological industry and careless consumerism, are today begging for a fresh and imaginative approach.

In conclusion, Rooted Cosmopolitans is an enticing book, rich in information and will surely inspire the readers to reflect further.¹

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¹ Three paragraphs in the book would have benefitted from additional elaboration, and there are two or three typographical errors.