

International Journal: Canada's Journal of Global Policy Analysis

<http://ijx.sagepub.com/>

Human rights for some: Universal human rights, sexual minorities, and the exclusionary impulse

Bonny Ibhawoh

International Journal published online 22 August 2014

DOI: 10.1177/0020702014544885

The online version of this article can be found at:

<http://ijx.sagepub.com/content/early/2014/08/22/0020702014544885>

Published by:



<http://www.sagepublications.com>

On behalf of:

Canadian International Council

C I C

CANADIAN INTERNATIONAL COUNCIL
CONSEIL INTERNATIONAL DU CANADA

Centre for Contemporary International History

CCIH

CENTRE FOR
CONTEMPORARY
INTERNATIONAL HISTORY

Additional services and information for *International Journal: Canada's Journal of Global Policy
Analysis* can be found at:

Email Alerts: <http://ijx.sagepub.com/cgi/alerts>

Subscriptions: <http://ijx.sagepub.com/subscriptions>

Reprints: <http://www.sagepub.com/journalsReprints.nav>

Permissions: <http://www.sagepub.com/journalsPermissions.nav>

>> [OnlineFirst Version of Record](#) - Aug 22, 2014

[What is This?](#)

Human rights for some: Universal human rights, sexual minorities, and the exclusionary impulse

Bonny Ibhawoh

McMaster University, Hamilton, ON, Canada

International Journal

0(0) 1–11

© The Author(s) 2014

Reprints and permissions:

sagepub.co.uk/journalsPermissions.nav

DOI: 10.1177/0020702014544885

ijx.sagepub.com



Abstract

This article explores historical and present-day exclusionary impulses within the human rights movement. It juxtaposes the widely celebrated expansion of universal human rights in the second half of the twentieth century with ideological and institutional counter-movements that have sought to restrict the scope of human rights. Using the exclusionary experience suffered by LGBT people as sexual minorities, the paper argues that we must pay attention to the exclusionary impulses that continually threaten to undermine the full realization of the Universal Declaration of Human Rights' vision of human rights protection for all, and not just for some.

Keywords

Human rights, universality, exclusionary impulses, LGBT rights

Introduction

When the Universal Declaration of Human Rights (UDHR) was adopted by the United Nations' General Assembly on 10 December 1948, one of its chief architects, the US' First Lady, Eleanor Roosevelt, hailed it as a “Magna Carta for all mankind.”¹ Another architect of the declaration, the French jurist René Cassin, described it as a “milestone in the struggle for human rights . . . a beacon of hope for humanity.”² Indeed, the UDHR marked the culmination of a post-Second World War rights-centred reformist movement to broaden the scope of individual

1. Quoted in Randall Williams and Ben Beard, *This Day in Civil Rights History* (Montgomery, AL: New South Books, 2009), 309.
2. René Cassin, *La pensée et l'action* (Paris: F. Lalou, 1972), 118.

Corresponding author:

Bonny Ibhawoh, Department of History/Centre for Peace Studies, McMaster University, 1280 Main Street West, Hamilton, ON L8S 4L8, Canada.

Email: ibhawoh@mcmaster.ca

rights and stimulate international interest in their protection. The Holocaust had united the world in horror and condemnation of Nazi atrocities, creating a postwar consensus that the current ordering of world affairs had to be fundamentally rewritten. The need to protect the basic rights of all peoples of the world by means of some universally accepted parameters thus influenced the 1945 Charter of the United Nations. The charter affirmed a “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large or small.”³ In creating the UDHR three years later, a global community of nations agreed on a comprehensive and inclusive vision of fundamental human rights for all of humanity. No longer could ruling regimes use the excuse of state sovereignty to perpetrate genocide and other gross human rights violations within or beyond their national borders. The central premise of the UDHR is that all human beings are entitled to basic inalienable rights, and that it is the responsibility of states and the international community to protect these rights.

Sixty-six years after its adoption, the UDHR continues to be celebrated as the defining document that ushered in the twentieth-century human rights revolution. It remains the founding document of universal human rights and, although not a legally binding document, it has provided the basis for subsequent international human rights law. It has been useful in formally setting standards, establishing norms, and shaping legally binding conventions covering the protection of the rights of the world’s most vulnerable populations. The UDHR is now published in more than 360 languages and is the most translated document in the world. It has inspired the constitutions of many states, and although its promise of universal rights protection remains unfulfilled in many parts of the world, it has become, in the words of UN Secretary General Ban Ki-moon, “a yardstick by which we measure respect for what we know, or should know, as right and wrong.”⁴

Even as we celebrate the UDHR and the rights revolution it set in motion, it is important to remember that there was nothing inevitable about its emergence, even amidst the ruins of the Second World War. The vision of a rights-based postwar order may have been widely shared by world leaders, but coming up with a document that the nations of the world could agree on was a difficult and complicated task. As United Nations High Commissioner for Human Rights Louise Arbour notes, “In a post-war world scarred by the Holocaust, divided by colonialism and wracked by inequality, a charter setting out the first global and solemn commitment to the inherent dignity and equality of all human beings, regardless of colour, creed or origin, was a bold and daring undertaking, one that was not certain to succeed.”⁵

3. Preamble, Charter of the United Nations (1945), <https://www.un.org/en/documents/charter/>, (accessed 4 April 2014).
4. Ban Ki-moon, in *Universal Declaration of Human Rights: Dignity and Justice for All of Us* (New York: United Nations Department of Public Information, 2007), iv.
5. Louise Arbour, in *Universal Declaration of Human Rights: Dignity and Justice for All of Us* (New York: United Nations Department of Public Information, 2007), v.

Apart from the well-documented cultural, philosophical, and ideological disagreements that threatened to scuttle its emergence, the story of the UDHR, as indeed the entire postwar human rights movement, is one of continuous tension, especially between the progressive impulse to gradually expand human rights protection to more people across the world and the counter-impulse to restrict the scope of human rights and limit its enforcement.

Notwithstanding the promise of universal inclusion and the rhetoric of inalienability that underpins the International Bill of Rights, the story of the human rights movement has been one of progressive inclusion amidst strong exclusionary impulses. The universality of human rights continues to be challenged on multiple fronts by proponents of varying degrees of cultural relativism and by the fact that the legal universality of human rights hinges more on its moral claims than its enforcement. Although international human rights laws proclaim the universality of human rights and affirm the fundamental rights of all persons, the reality is that these rights are not fully enjoyed by everyone globally or within states. Universal human rights remain largely rhetorical and aspirational. These limitations are not simply contemporary challenges. The human rights idea has not been an inclusive one historically. The history of human rights can be read as a history of tensions between movements for the expansion of human rights protection to marginalized populations on the one hand, and resistance to their inclusion on the other. Movements for more inclusiveness in rights entitlements have been confronted with counter-movements that seek to restrict the scope of human rights and their universal applicability.

This article thus explores historical and present-day exclusionary impulses within the human rights movement. It juxtaposes the widely celebrated expansion of universal human rights in the second half of the twentieth century with ideological and institutional counter-movements that have sought to restrict the scope of human rights. If the UDHR's vision of universally protected human rights is to be realized, scholars, policymakers, and activists must pay attention not only to triumphant proclamations of inclusivity in international human rights discourse but also to the many contradictions within the human rights movement. In other words, while celebrating its global reach and achievements, I aim to push for an alternative lens which penetrates the current triumphalism and universalist rhetoric to uncover the invisible spaces where even the most basic of human rights are still being denied. Using the exclusionary experience suffered by lesbian, gay, bisexual, transgender, and transsexual (LGBT) people as sexual minorities, I argue that we must pay attention to the exclusionary impulses that continually threaten to undermine the full realization of the UDHR's vision for human rights protection for *all*, and not just for *some*. Only through thoughtful reflection on the exclusionary impulses that continue to push back against progressive inclusivity can we hope to turn the existing discourse of universal human rights from its current taken-for-granted universality, and refocus on those marginalized domains not catered for by international human rights norms.

Historical exclusion: A Magna Carta for some

The great strides made in human rights protection have historically been responses to egregious human suffering and social injustices arising from the discriminatory perception and treatment of people in the margins of society. On the one hand, such discriminatory attitudes and treatment are often premised on social constructions of racial, gender, ethnic, religious, or class differences. Key movements toward rights protection, on the other hand, have sought to challenge an exclusionary and discriminatory status quo by demanding more inclusiveness in the enjoyment of social and political entitlements, irrespective of existing prejudices. Early rights documents, such as the English Magna Carta and Bill of Rights, the American Declaration of Independence and the French Declaration of the Rights of Man, represent antecedents to the idea of human rights in the sense that they articulated normative ideas of justice and rights inclusiveness.

The English Magna Carta, for example, reaffirmed longstanding rights of the English nobility by limiting the powers of the king and recognizing that all people, including the monarch, are subject to the law. Similarly, Enlightenment liberal thought expanded the scope of rights and ushered in a revolutionary change in human thought. A secular and relatively more egalitarian morality emerged in Europe and spread throughout the world under the revolutionary banner of the Enlightenment.⁶ The Enlightenment doctrine of positive individualism, which stressed the primacy of the rational individual as distinct from the power of monarch, religious authority, or social control, reflects the inclusionary impulse of the contemporary human rights idea.

Building on the Enlightenment's positivist idealism, eighteenth-century Euro-American revolutions expounded even broader and more inclusive notions of citizens' rights. The United States' Declaration of Independence, for example, marked a radical ideological change toward egalitarianism arising from the American Revolution. The assertion of liberty, individual rights, and equality challenged the old order and promised a society of more inclusive citizen participation in governance and the fuller expression of political rights. Similarly, the French Declaration of the Rights of Man and of the Citizen ushered in a republican era premised on the ideals of liberty, equality, and fraternity. These forerunners of the contemporary human rights idea advocated, to varying extents, limits to the absolute power of the sovereign or tyranny of the state and set the foundations for broader civil rights that appeared centuries later.

There were, of course, significant limits to the inclusiveness of these historical rights movements. Their promise of rights inclusivity remained tempered by rigid exclusion based on race, gender, class, and religious and cultural difference. The English Magna Carta, far from being a charter for all humanity or even all English citizens, was restricted to a privileged class in the nobility and feudal aristocracy.

6. Micheline Ishay, *The History of Human Rights: From the Stone Age to the Globalization Era* (Berkeley: University of California Press, 2008), 64.

It protected the rights of the English barons against the arbitrary powers of King John but had little to say about the rights of ordinary men and women in England or abroad. So, while the Magna Carta insulated the rising bourgeois class from the monarchy, it left the common class unprotected, and hence prone to the excesses of feudal potentates.

Enlightenment liberal rights tradition centred not so much on universalist inclusion as on particularistic entitlements for the privileged classes, often propertied white men, to the exclusion of the rest of the population. For all their innovative thinking, Enlightenment liberal philosophers such as Thomas Hobbes, John Locke, Thomas Paine, and Jean-Jacques Rousseau still accepted some of the most conservative and exclusionary ideas of their age. “Those who confidently declared rights to be universal in the eighteenth century turned out to have something much less all-inclusive in mind.”⁷ They considered children, the insane, the imprisoned, or foreigners to be unworthy of full participation in the political process. They also excluded those without property, slaves, free blacks, women, and in some cases, religious minorities.

Neither the American Revolution, which was premised on the “self-evident” equality of all men, nor the French revolutionary ideas of liberty, fraternity, and egalitarianism seriously shook the foundations of slavery and other forms of social exclusion in these societies. The American Declaration of Independence made the powerful claim that “all men are created equal, that they are endowed by the Creator with certain unalienable rights,” while failing to end racial discrimination in the US. Slaves continued to be sold and bought as chattel partly because they were not constructed as members of a universal humanity. In the Federalist Papers, James Madison, one of the founders of the Republic, described slaves as a mixture of persons and property, “divested of two-fifth of the man” and thus equal only to three-fifths of a person.⁸ The French Declaration of the Rights of Man and of the Citizen asserted that “men are born free and equal in rights,” yet this universal claim to freedom and equality excluded many of the common people. Such was the persistent exclusionary impulse when there were calls in France for Olympe de Gouges, an advocate of women’s rights, to be executed at the guillotine after she issued her “Declaration of the Rights of Woman and Citizen.”

Despite these limitations, the promise of inclusivity in Enlightenment idealism laid important groundwork for modern human rights. The declarations of the American and French revolutions did not resolve all the human rights issues of their time, but they “opened up a previously unimagined space for political debate.”⁹ In the same way, abolitionists who opposed the slave trade, spurred on by both Enlightenment conceptions of natural rights and by religious beliefs, pushed their governments to make the suppression of the slave trade a focus of diplomacy and treaty-making. The result, over the first few decades of the

7. Lynn Hunt, *Inventing Human Rights: A History* (New York: Norton, 2007), 18.

8. The Federalist Papers, No. 54, http://avalon.law.yale.edu/18th_century/fed54.asp (accessed 25 June 2014).

9. Hunt, *Inventing Human Rights*, 20.

nineteenth century, was the emergence of a legal framework of international treaties prohibiting the slave trade. The conceptualization of the slave trade as a crime against humanity, and of slave traders as *hostis humani generis* (enemies of mankind), helped lay the foundation for twentieth-century international human rights law. These developments challenged the political and social exclusions of the enslaved and served to affirm their legal inclusion within the human community.¹⁰

Universal human rights: A Magna Carta for all

The adoption of the UDHR following the Second World War marked the international recognition of certain fundamental human rights and freedoms as inalienable universal values to which all individuals are entitled simply by virtue of their humanity. Unlike earlier articulations of rights, the UDHR affirmed rights that are not contingent on race, class, gender, or social status but rather, are intrinsic and inalienable. This logic of equal humanity challenged historical claims of privilege, inferiority, and exclusion. When Eleanor Roosevelt described the UDHR as a “Magna Carta for all mankind,” she was expressing the promise that the declaration would be more inclusive than the original English Magna Carta.

But although the postwar human rights movement may have been groundbreaking in its universalist aspirations, it was not entirely free of the historical tensions between inclusionary and exclusionary impulses in rights struggles. Struggles for political inclusion, such as anti-colonialism in the “Third World”; the fight for social inclusion and equal rights for women, indigenous peoples, and other minorities; and the children’s rights movement, were essentially about expanding international human rights to include people previously denied these rights. Colonized people, for example, drew on the language of universal human rights in their demands for independence. The adoption of the UDHR in 1948 and the signing of the European Convention on Human Rights (ECHR) two years later lent the moral legitimacy of human rights to longstanding struggles for political self-determination. Anti-colonial activists in Asia and Africa demanded that the ideals of freedom and self-determination advanced as the basis of Allied military campaigns against Nazism in Europe and Japanese imperialism in Asia also be extended to them. In India, nationalists led by Mahatma Gandhi took advantage of the increased international emphasis on the right to self-determination espoused in the United Nations Charter to bolster their demands for independence from British colonial rule.

Amidst the push for universal human rights at the United Nations in the 1940s and 1950s were counter-movements to exclude certain rights of colonized people from protection under emerging international human rights norms. The inclusion of the right to self-determination within the human rights framework was particularly contested. Certain nations wanted it excluded from the emerging framework

10. Jenny Martinez, *The Slave Trade and the Origins of International Human Rights Law* (New York: Oxford University Press, 2012), 149.

of universal human rights. At the United Nations, European colonial powers saw the inclusion of self-determination in international human rights law as a challenge to their national sovereignty and resisted the prospects of dismantling their colonial empires or extending the rights of self-determination to colonized peoples. The principle of sovereignty and the concept of human rights were viewed as fundamentally opposed to each other, one having to do with the rights of states and the other, the rights of individuals.

Questions over the inclusivity of the UDHR and its impact on the status of colonized people arose while the declaration was still being drafted. It was an inescapable irony that a declaration purporting to be a “Magna Carta for all mankind” was being drawn up at a time when half of the world’s population was still under colonial domination. For example, white minority-ruled South Africa, one of the countries that opposed the UDHR, was concerned about the implications for its policy of racial segregation. Its delegates stated that the text of the declaration went beyond generally accepted rights, arguing that the right to participate in government was not universal; it was conditioned not only by nationality but also by qualifications of franchise.

Opposition did not come only from South Africa. Although the UDHR was unanimously adopted by 48 states in favour, eight states abstained. Saudi Arabia abstained because it did not accept the provisions concerning freedom of religion, the assumptions of gender equality, and the implied right to change one’s religion. The USSR and five other Soviet bloc states abstained ostensibly in objection to the broad civil and political rights mandated in the declaration. Even Western states that voted in favour of the declaration worried about its broad scope. Canada initially abstained in committee votes on the UDHR before voting in favour at the General Assembly.¹¹ Conscious of its own problems of race relations, the US preferred keeping the human rights provisions of the declaration general and non-binding, while European states wanted to restrict its applicability in their colonies. The American Bar Association launched an aggressive effort to oppose the declaration, claiming that it was part of a scheme to destroy national sovereignty, domestic jurisdiction, the free enterprise system, and the American way of life.¹² The American Anthropological Association condemned the declaration as ethnocentric and overly ambitious.¹³

The exclusion of the voices and perspectives of colonized peoples in the process of drawing up the UDHR remains one of the strongest limitations of its claim to universality. Nonetheless, the declaration proved significant in the decolonization process because it reinforced the right of self-determination. In spite of the compromises made to achieve consensus on the declaration, it proved effective in

11. William A. Schabas, “Canada and the adoption of the Universal Declaration of Human Rights,” *McGill Law Journal* 43 (1998): 403.

12. Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 2011), 216.

13. American Anthropological Association, “Statement on Human Rights by the Executive Board,” *American Anthropologist* 49 (1947): 539–543.

grounding anti-colonial demands for independence in an emergent universal human rights agenda. In direct repudiation of colonialism, Article 21 of the UDHR proclaimed that the will of the people shall be the basis of the authority of government and affirmed the right of everyone to take part in the government of his or her country. In 1960, the UN General Assembly took a further step in the inclusion of the political rights of colonized people within the framework for international human rights protection with the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples. This declaration reaffirmed the fundamental human rights, dignity, and worth of all humans, and the equal right of peoples of all nations to self-determination. It asserted that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty, and the integrity of their national territory.

The inclusion of self-determination within the United Nations human rights framework set the tone for the progressive expansion of the boundaries of the international human rights system in succeeding years. A key dimension of the progressive realization of an all-inclusive human rights system has been the emergence of specialized conventions on the human rights of particular categories of people such as refugees and irregular migrants, women, children, people with disabilities, and lately, sexual minorities. Tensions continue, however, over the scope of human rights and what to include and exclude within the international human rights system. In many communities, certain groups continue to be systematically disadvantaged because they are discriminated against. Such groups are often differentiated by race, ethnicity, age, sexual orientation, religion, caste, or gender. Formal and informal processes in domestic justice systems and the international human rights framework discriminate against excluded groups. Sometimes, this is because of the lack of technical and resource capacity to protect the rights of politically and socially marginalized groups. At other times, however, exclusion is due to the absence of political will to challenge entrenched prejudices and fully extend human rights protection to marginalized groups. Perhaps the clearest contemporary example of such culturally and politically motivated exclusion is the limitations imposed on the rights of LGBT people.

The persistence of exclusion: The rights of sexual minorities

Bringing sexual minorities under the full protection of international human rights norms has become the latest frontier in the struggle for inclusivity within the human rights movement. Across the world, discriminatory laws and policies affect the rights and well-being of LGBT people. The issues range from legal recognition of same-sex marriage to the prescription of the death penalty as punishment for same-sex sexual activity or identity. Exclusion of LGBT people from human rights protection also arises from state policies on a wide range of issues: recognition of same-sex relationships, LGBT adoption, sexual orientation and military service, immigration equality, anti-discrimination laws and hate crime laws regarding violence against LGBT people. Of these issues, physical violence

against LGBT people is perhaps the most pertinent. In many countries, LGBT people are targets of organized abuse from religious extremists, paramilitary groups, neo-Nazis, extreme nationalists, and others, as well as family and community violence.

Although extant human rights laws can broadly be interpreted in ways that address some of the forms of discrimination and oppression that LGBT people experience, international human rights law has largely been silent on their rights. Until recently, there were few international legal instruments and institutions that explicitly addressed human rights violations as they pertain to homosexuals. Until very recently, even human rights organizations traditionally excluded LGBT issues from their advocacy agendas. LGBT rights issues were neglected or muted in the activism of major human rights organizations such as Amnesty International and Human Rights Watch during the heyday of the organizations' human rights activism in the 1970s and 1980s.

As with other minority rights, the central issue with LGBT rights protection is the internationally recognized right to non-discrimination. The main obstacles to the inclusion of LGBT rights are typically religious, socio-cultural, and institutional. These exclusionary barriers exist in every region of the world. In Latin America, for example, rampant discrimination and violence on the basis of sexual orientation have been attributed partly to a prevalent machismo culture. LGBT people are regularly murdered, imprisoned, tortured, raped, and harassed, while local law enforcement and courts reinforce or ignore discriminatory practices. Studies suggest the problem is so severe that hundreds of LGBT people seek asylum outside their home countries to escape brutality and discrimination. These well-documented trends are also evident in Africa and the Middle East where homosexuality is punished with long-term imprisonment and even the death penalty. Even in Western democracies, such as the US and Canada, where progressive human rights legislation exists, LGBT people face discrimination and violations of their basic human rights. Discrimination against sexual minorities also extends beyond national borders as many countries deny entry to homosexuals on the grounds that they are threats to public health and morals.

To be sure, there have been modest but important developments in the direction of including LGBT rights more firmly in the international human rights framework. In 2011, the United Nations passed its first resolution recognizing LGBT rights and followed up with a report documenting violations of the rights of LGBT people, including hate crimes, criminalization of homosexuality, and discrimination. The resolution expressed "grave concern at acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation and gender identity."¹⁴ A subsequent report prepared by the UN Office for the High Commissioner for Human Rights (UNHCHR) outlined a

14. United Nations, Report of the United Nations High Commissioner for Human Rights, "Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity," A/HRC/19/41, 17 November 2011.

pattern of human rights violations that demands a response and acknowledged that governments have too often overlooked violence and discrimination based on sexual orientation and gender identity. It called upon countries to bring LGBT people within national human rights protection by repealing laws that criminalize homosexuality, abolishing the death penalty for offences involving consensual sexual relations, and enacting comprehensive anti-discrimination laws.

The “United Nations Gay Rights Protection Resolution” was a significant first step in the inclusion of LGBT people within the international human rights framework. It marked an important milestone in the struggle for inclusion and equality and the international recognition that LGBT persons are endowed with the same inalienable rights—and entitled to the same protections—as all human beings.¹⁵ However, as with previous historical movements for human rights inclusion, the extension of universal human rights protection to LGBT people has been met with stiff exclusionary opposition. Strident calls have been made to exclude LGBT rights protection from the universal human rights framework. The resistance that the movement for inclusion faces at both domestic and international levels is demonstrated by the tense and difficult negotiations required to pass the Gay Rights Protection Resolution at the United Nations Human Rights Council. The resolution, which was put forward by South Africa, passed only narrowly with 23 votes in favour and 19 against. One opposing diplomat condemned the resolution as “an attempt to replace the natural rights of a human being with an unnatural right.”¹⁶ The strong opposition to the inclusion of LGBT rights protection in the UN human rights corpus is a reminder of the historic tensions between inclusionary and exclusionary impulses in international human rights.

Conclusion

The history of the universal human rights movement has been a struggle for progressive inclusion. The project for inclusion has involved working to ensure that support systems for the universal protection of human rights and fundamental freedoms are available to *all* members of the human community and not just to some. However, the project for inclusion is continually challenged by exclusionary impulses driven by politics, religion, culture, and institutional practices. These impulses have diverse roots. While the move to expand human rights can be linked to progressive movements all over the world, today’s threats to inclusivity are animated by neo-conservative political and cultural ideological movements. International human rights standards have certainly helped to overcome some discrimination and exclusion. But in spite of the promise of the UDHR, the reality today is that many people across the world remain excluded from the most basic

15. Bonny Ibhawoh, “Inclusion and exclusion,” in Mark Gibney and Anja Mihrand, eds., *The SAGE Handbook of Human Rights* (New York: Sage, 2014), 336–337.
16. Saralyn Salisbury, “African Opposition to the UN Resolution on Sexual Orientation & Gender Identity,” *Human Rights Brief*, 10 November 2011, <http://hrbrief.org/2011/11/african-opposition-to-the-un-resolution-on-sexual-orientation-gender-identity/> (accessed 25 June 2014).

protection. The persistence of such exclusions poses a challenge to the normative universality of human rights and reflects the unfulfilled promise of the human rights revolution. As we celebrate the many achievements of the postwar human rights movement, it remains pertinent to recognize and work to mitigate the exclusionary impulses that stand in the way of an all-inclusive universal human rights order.

Acknowledgement

The author is grateful to Dr. Paul Ugoh for his comments on earlier drafts of this paper.

Funding

This research was supported by the Social Sciences and Humanities Research Council of Canada's Insight Grant (43-2012-1125).

Author Biography

Bonny Ibhawoh is an associate professor of history and global human rights at McMaster University, Canada. He is the author of *Imperialism and Human Rights* (SUNY Press) and *Imperial Justice* (Oxford University Press).