

The Development of Human Rights, Security Politics and Precarious Bodies

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Commentary

DESCRIPTION

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The point of human rights is, ultimately, to protect bodily integrity and vulnerability. With the expansion of securitization by national governments across Europe in the last two decades, it would be normal to expect that virtuous human rights' bodies such as the European Court of Human Rights (ECtHR) act as a check on national governments' excessive securitization of communities deemed undesirable and a target for security politics. Securitization theory, however innovative, has neglected the audience role of such supra-national institutions and where it has moved from its state-centeredness, it has not considered virtuous ones, those with the most power to contain disproportionate surveillance of particular populations. Amongst these populations stands the Muslim, increasingly present in the European public sphere through practices such as halal, praying and, most visibly, the growth in veiling. The Muslim woman's body has become, in this context, a suspect community.

However, against all expectations judicial human rights in Europe have failed in their role of neutral arbiter and a check on national governmental power and, rather, unreflectingly deferred to this disproportionate surveillance and even been complicit in it, adopting the language of national governments often couched in human rights' terms, namely, rescuing women from misogynistic cultures. This complicity was self-evident in several key cases, notably SAS vs. France, where the Court argued that national bans were justified in favour of the greater good of living together or vivre ensemble as if the onus for this were on the vulnerable minority. They have therefore failed in their role of neutral arbiter and rather contributed to the precarity of the Muslim woman's body which has resulted in sanctioning the public stripping of women of their burkini and tearing head coverings from women in the street clear forms of gender-based violence.

The most virtuous of rights have therefore contributed to the stigmatization of Muslim covering by hijacking national governments' security narratives. This transgresses human rights' fundamental, normative, commitment to preventing bodily

wounding. It exposes the conditionality and limitation of judicial human rights and endorses an idealized version of the exposed woman as free and equal, partly because of human rights' weddedness to western feminism which has for years sought to distance itself from the Church and sees any commitment to a religion as retrograde, thereby ignoring the personal and intimate commitments of women who seek to manifest their religious identity publicly. It is interesting to note that human rights, in endorsing these bans, have aligned themselves with the far right and populist movements who are the drivers behind such bans and figures such as Marine Le Pen whose anti-Islam sentiment is couched in alleged feminist principles.

The underlying reasons for this complicity are multiple, including the Court's comfortable relationship with neo-liberalism and its prioritization of the rights of the individual as well as the conditional nature of the citizenship rights of unpopular minorities such as Muslims whose formal rights are betrayed by limits and containment. The solution rests on an abandonment of dichotomous thinking between universalism and religion and a commitment to a liberatory activism which is based on solidaristic relations between unexpected, vulnerable companions including western and post-colonial feminism. This depends upon a departure from extreme forms of identity politics to softer versions which enable a comfortable co-existence between ostensible enemies. We have seen this in Germany with everyday events designed to show commonalities rather than enmity between Jews and Muslims. We need a return to the politics of rights combined with the rebellious cosmopolitanism resonant with Camus' politics to mount relentless protests against governance feminism, populism and Eurocentrism of institutional human rights for a return to normal politics which ultimately, judicial human rights will be unable to ignore.