



Rising to the Challenge of Universal Human Rights

After September 11 2001 the International community found its attachment to human rights problematic in the face of balancing freedom with security. However, September 11 shone a spotlight on the origins of human rights. The concept of Human Rights came into political and legal discourse at the end of the Second World War. It emerged in the text of the United Nations Charter and was elaborated in the Universal Declaration of Human Rights in 1948. The post-war world was still built on colonial domination and authoritarian regimes subscribing to communism and fascism. Very rapidly “human rights” became an ideological battlefield in the Cold War. This politicization of the concept meant that its scope and its universal claim were never securely established. Increasingly human rights began to play the role that civilization had done in the hey-day of colonialism. As the post-war period continued and international discourse of using human rights test was used to prove that communism, Islamic societies and non-Western societies generally were culturally resistant to human rights. This was to prove particular fatal in the response to September 11. Parochial views of human rights as belonging only to a European and North American tradition undermined the efforts to protect societies from the threat of terrorism. In particular it removed Islamic jurisprudential resources from being mobilized in defense of human rights and against violence. In this presentation I will argue that lazy approaches to human rights have been exposed in the reaction of Western societies to September 11; and that great effort needs to be made in order to realize genuine universal human rights.

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Position: Reader in Law

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Brief biography:

John Strawson works in the area of law and postcolonialism and specializes on the Middle East, Islam and International law. He has a special interest in the Palestinian-Israeli conflict and is currently completing a book on the topic. He has held research grants from the British Council, the Bulgarian Academy of Sciences and the British Academy. He was Visiting Professor at the International Islamic University Malaysia in 2007 and has previously taught on a visiting basis at the International Institute of Social Studies at The Hague and Birzeit University in Palestine. He broadcasts on international law, the Middle East and Islamic legal issues.

Activities/responsible for:

- Director of Law Postgraduate Programmes
- Member of the Center on Human Rights in Conflict
- Programmer leader of LLM International Legal Studies and LLM General Programme.

Areas of interest/Summary of Expertise:

- Palestine-Israel Conflict
- International Law
- Colonial legal history and postcolonialism
- Contemporary Islamic legal

Teaching:

Programmes:

- LLM



Modules:

- Current Issues and Research on International Law
- International Criminal Law
- Law and Policy in the Middle East
- Islam and Human Rights
- Contemporary Islamic Legal Issues

Research / Publications:

Current research:

The following publications see the insight box

1. (ed.) **Law after Ground Zero** (London, Sydney, Portland Or: GlassHouse Press, 2002, reprinted with amendments, 2004)
2. (ed.) with Roshan de Silva Wijeyeratne, "**Tracking the Postcolonial in Law**", Griffith Law Review, Vol. 12, No. 2 (2003)

Essays

1. **British (and International) Legal Foundations for the Israeli Wall: International Law and Multi-Colonialism**, Palestine Yearbook of International Law, Vol. 13 (2007), 1-26.
2. **Conjuring Palestine: The Jurisdiction of Dispossession** in Shaun McVeigh (ed.) *Jurisprudence of Jurisdiction* (Abingdon and New York: Routledge-Cavendish, 2007), 84-101
3. On the Trail of the Palestinian State, in Jacqueline S Ismael and William W Haddad and Jacqueline Ismael (eds.) **Barriers to Reconciliation: Case Studies from Iraq and the Palestine-Israeli Conflict** (Lanham, Boulder, New York, Toronto, Oxford: University Press of America 2007), 195-227..
4. **Israel and Apartheid: the analogy in the politics of international law**, Engage Journal No 2, (May 2006) At:
www.engageonline.org.uk/journal/index.php?journal_id=10&article_id=34



5. **Two Peoples, One State?** review essay, Virginia Tilley, *The One State Solution: A Breakthrough for the Israeli-Palestinian Deadlock*, Democratiya, Issue, 4, March-May 2006. At:
www.democratiya.com/review.asp?reviews_id=23
6. **The International Community's legal responses to Apartheid South Africa and the Israeli Occupation of the West Bank**, Gaza and East Jerusalem, *Avocats sans Frontieres*, December 2005 at:
www.asf.be/publications/formations_isr_pal_presentations_strawson_dec2005_EN.pdf
7. **Revisiting Islamic Law: Marginal Notes from Colonial History**, Griffith Law Review Vol. 12, No.2 (2003), 362-383.
8. (with Roshan de Silva Wijeyeratne) **Tracks and Traces of the Law**, Griffith Law Review, Vol.12, No.2 (2003), 157-165.
9. **Holy War: in the Media: Images of Jihad**, in Steven Chermak, Frankie Y. Bailey and Michelle Brown (eds.) *Media Representations of September 11* (Westport CT. and London:: Praeger, 2003), 17-28..
10. **Islamic Law and the English Press** in John Strawson (ed.) *Law after Ground Zero* (London, Sydney, Portland Or: Glasshouse Press, 2002), 205-214.
11. (with Kim van der Borcht) *Cuba and the Axis of Evil: An Old Outlaw in the New Order* in John Strawson (ed.) *Law after Ground Zero* (London, Sydney, Portland Or: Glasshouse Press, 2002), 59-70.
12. *In the Name of the Law*, in John Strawson (ed.) *Law after Ground Zero* (London, Sydney, and Portland Or: GlassHouse Press, 2002), xi-xxii.
13. *Reflections on Edward Said and the Legal Narratives of Palestine: Israeli Settlements and Self-Determination*, Penn State International Law Review, Vol. 20, No 2 (2002), 363-384.



14. "Mandate Ways: Self-Determination in Palestine and the 'Existing Non-Jewish Communities,'" in Sanford R. Silverburg (Ed.) *Palestine and International Law: Essays on Politics and Economics* (Jefferson N.C and London: McFarland, 2002), 251-270.
15. "Orientalism and Legal Education in the Middle East: Reading Frederic Goadby's Introduction to the Study of Law," Legal Studies Vol. 21 No. 4 (2001), 664-678.

Book Reviews and Shorter Articles

1. Book Review: Gina Clayton, Textbook on Immigration and Asylum Law, Times Higher Educational Supplement, February 10 2006.
2. Book Review: C.G. Weeramantry, Universalising International Law, Melbourne Journal of International Law, Vol.5, No. 2 (2004), 513-518.
3. Book Review: Robert Winder, Bloody Foreigners: The Story of Immigration to Britain, *Times Higher Education Supplement*, December 24/31, 2004.
4. Book Review: Sami Zubaida, Law and Power in the Islamic World, Modern Law Review, Vol. 67, N0.5 (2004), 879-881.
5. Book Review: Dallal Stevens, UK Asylum Law and Policy: Historical and Contemporary Perspectives, *Times Higher Education Supplement*, May 28 2004.
6. The Israeli Wall, Palestine and the International Court of Justice, Student Law Review, Vol. 42 (2004), 48-50.
7. Guantanamo Bay Prisoners: The Third Geneva Convention and the "War on Terror." Student Law Review. Vol. 41 (2004), 44-45.
8. Book Review: Frederic M. Goadby and Moses Doukhan, The Land Law of Palestine, Palestine Yearbook of International Law Vol.11 (2003), 399-401.
9. Occupying Iraq – Regime Change and International Law, Student Law Review, Vol. 40 (2003), 44-45.



10. Book Review: Javaid Rehman, *International Human Rights: A Practical Approach*; Rhona K. Smith, *Textbook on International Human Rights*, *Times Higher Educational Supplement*, May 30 2003.
11. For a World at War – An International Criminal Court, *Student Law Review*, Vol. 39 (2003), 44-45.
12. In the Name of the Law? *Socialist Lawyer*, Vol. 35 (Spring 2003), 14-15.
13. The United Nations and the use of force: unilateralism and the international rule of law, *Student Law Review*, Vol. 38 (2003), 50-51.
14. Book Review: Basia Spalek (ed.) *Islam, Crime and Criminal Justice*, *British Society of Criminology Newsletter*, No. 48, March 2003, 17.
15. Iraq: A Threat to International Peace and Security? *Student Law Review*, Vol. 37 (2002) 49-50.
16. The Middle East Crisis: International law and the Palestinian-Israeli Conflict, *Student Law Review*, Vol. 36 (2002), 50-52.
17. Terrorism: Has Law Had a Good War? *Student Law Review*, Vol. 35 (2002), 50-51.
18. Book Review: Lawrence Rosen, *The Justice of Islam*, *Journal of Law and Society* Vol.28, No.4 (2001), 628-632.
19. International Law at Ground Zero, *Student Law Review*, Vol. 34 (2001), 52

Research archive:

1. "Britain's Shadows: Post-colonialism and Palestine" in Tareq Y. Ismael (Ed.) *The International Relations of the Middle East in the 21st Century* (Aldershot and Burlington: Ashgate, 2000), 203-225.
2. "Islamic Law and English Texts" in Eve Darian-Smith and Peter Fitzpatrick (Eds.), *Laws of the Postcolonial* (Ann Arbor: University of Michigan Press, 1999), 109-126.



3. "Legal Story Telling After Diana and Dodi: The Disappeared of the Postcolonial" in Mehmet Tahiroglu, Tareq Y. Ismael and Jacqueline S. Ismael (Eds.) *Globalization in World Affairs: Socio-Economic and Political Dimensions* (Gazimagusa: Eastern Mediterranean University Press, 1999), 311-328.
4. "Palestine's Basic Law: Constituting New Identities Through Liberating Legal Culture," Loyola of Los Angeles International and Comparative Law Journal, Vol. 20, No.3 (1998), 411-432.
5. "Netanyahu's Oslo: Peace in the Slow Lane," Soundings, Issue 8 (1998) 49-60.
6. "A Western Question to the Middle East: Is There a Human Rights Discourse in Islam?" Arab Studies Quarterly, Vol. 19, No. 1 (1997), 31-58.
7. "Encountering Islamic Law," School of Law Research Publications: University of East London, New Series No. 1 (1996) [41 pages] simultaneously published electronically by UEL, and subsequently by the International Islamic University at <http://www.iiu.edu.my/deed/lawbase/jsrps.html> (2000).
8. "Islamic Law and English Texts," Law and Critique Vol. V, No. 1 (1995), 21-38.
9. The Kuwait Crisis: Self-Determination, Self-Defence and the New Global Order, University of East London: School of Law Research Papers, No 4 (1992), 1-17.

Other scholarly activities:

Member of the following scholarly Societies:

- American Society of International Law
- Society of Legal Scholars
- Law and Society Association
- Association for the Study of Law

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- Culture and the Humanities
- Middle East Studies Association
- British Society for Middle East Studies
- International Association of Middle Eastern Studies and
- the International Association of Contemporary Iraqi Studies.

Conference papers since 2001:

- Socio-Legal Studies in Times of Colonial Legal Occupation: Law and Society in Palestine, Law and Society Association and Research Committee on the Sociology of Law (ISA), Humboldt-Universität Zu Berlin, Berlin, July 25-28 2007.
- Occupation and the Footprints of International Law, Forty Years after 1967: Reappraising the Role and Limits of the Legal Discourse on Occupation in the Israeli-Palestinian Context, Hebrew University of Jerusalem and Tel Aviv University, June 5-7 2007.
- Images of the Muslim terrorist 5 years after September 11 the New Orientalism, 10th Annual Conference of the Association for the Study of Law, Culture and the Humanities, Georgetown University, March 23-24, 2007.
- The Case for Palestine: Overcoming Occupation, National Critical Lawyers Conference, University of Kent, Canterbury, February 24, 2007.
- The Postcolonial Decolonization of Palestine: State-Building as National Liberation Movement, International Conference, Law and Economic Development: Towards Constructive Engagement in the Middle East, Faculty of Law and Criminology, Vrije Universiteit Brussel, February 22-23 2007.
- Global Nation Building in the Middle East: Israel and Palestine as creations of International Law, Birkbeck School of Law – Thematics: A Workshop Series supported by the Arts and Humanities Research Council, January 12 2007.

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- Islam and Human Rights as Islam or Human Rights, International Security and Global Issues research group, Foreign and Commonwealth Office, London, November 23 2006.
- Between religion and Politics: Muslim identity and the emergence of Culture Islam, Workshop on Religion, Secularism and Identity, Birkbeck College, University of London, July 11 2006
- The Basic Law and Palestinian-State building, Law and Society Association Annual Meeting, Baltimore, July 6-9 2006
- Legal Transplants in the Colonial Era: British Projects and Ottoman Initiatives in the Middle East, World Congress of Middle East Studies, Amman, June 11-16 2006.
- The Israeli Wall and Colonial Annexation: legitimizing the Acquisition of territory by force, Birkbeck International Law Workshop, London, May 15-17 2006.
- Global legal responses to Terrorism, European Law Students Association, University of Central England, Birmingham, May 5 2006.
- The Anti-Terrorist Jihad: Muslims and Islam in the War on Terror, Expert Workshop "Ensuring accountability – Terrorist challenges and State responses in a free society, Australian National University/University of New South Wales, Canberra, April 20-21 2006.
- Illegality as Tragedy: Staging the Gaza Disengagement, Association for the Study of Law, Culture and the Humanities, 9th Annual Conference, University of Syracuse, New York, March 17-18, 2006.
- From Disengagement to Self-Determination: International Law and the Making of Palestine, Sussex Law School, University of Sussex, March 8 2006.



Debats de la Mediterrània

- The International legal community's legal response to Apartheid and the Israeli Occupation of the West Bank, Gaza and East Jerusalem, Avocats Sans Frontieres, Beit Hanina, December 16 2005.
- Race after Racism: South African approaches to Judicial Education, International Judicial Education Conference, co- organized by the Palestinian National Authority and Birzeit University, Jericho, December 15, 2005.
- Jihad against the Jihadis: Islamic Jurisprudence in an Age of Terror, Public Lecture, University of Kent, November 30 2005.
- Captive Self-Determination: The case of Palestine, Department of History, University College London, November 4 2005.
- Narratives of race and nation in anti-terrorist legislation, University of New South Wales-University College London joint roundtable on Law and Terrorism, University College London, September 26, 2005.
- Late Colonial, Late Orientalism: continuing the Palestinian-Israeli Conflict, Faculty for Israeli-Palestinian Peace, School of African and Oriental Studies, London, September 2005.
- The research agenda for Human Rights and Civil Society in Iraq, Founding Conference of the International Association of Contemporary Iraqi Studies, University of East London, September 1-2, 2005.
- The Legal Lexicon of Colonial Dispossession: Contesting Palestine, Konrad Adenauer Foundation, Amman Office, June 10-13, 2005.
- International Law and the Israeli unilateral withdrawal from the Gaza Strip, Birzeit Legal Encounters, Birzeit University, April 13 2005.
- Imagining the Nation: The Jewish National Home in Selected Legal and Political Literature 1917-19137, Association of Law, Culture and the Humanities, 8th annual meeting, University of Texas, Austin, March 11-12, 2005.



Debats de la Mediterrània

- Reconstructing Palestine: Reforming Palestinian Institutions in the context of the roadmap to peace, Conference on Reconstruction and Development in War-Torn Muslim Counties, Carlton University, Ottawa, December 2004.
- On Critical Beings, Birkbeck Law School, London, November 2004.
- British Colonialism and Islamic Law in the Perspectives of September 11, Islamic College of Advanced Studies, London, October 2004.
- Popular International Law: The Iraq War, the Media and the Public Debate, Critical Legal Conference, University of Westminster, London, September 2004.
- Colonizing the Self: Jews and Jewish Colonial Administrators in British Mandate Palestine in Jonathan Wilson's "A Palestinian Affair," 12th International Conference of the Law and Literature of Australia, Griffith University, Queensland University of Technology and University of Queensland, Brisbane, Australia, July 9-11, 2004.
- The Shock of the new: Regime change since 1945, Imperialism and International Law Workshop of the Foundation for New Research in International Law, Birkbeck College, London, May 2004.
- Self-Determination behind Walls: Palestine's Vanishing Territory, International Center for the Contemporary Middle East Studies, Eastern Mediterranean University, Cyprus, April 2004.
- International Law as Ideology, National Critical Lawyers Conference, University of Kent, Canterbury, February, 2004.
- British (and International) Legal Foundations for the Israeli Wall: International Law and Multi-colonialism, Legal Aspects of Segregation Conference, Institute of Law, Birzeit University, December 2003.
- From Samuels to Sharon: English Law and the Israeli Fence, University of Westminster, November 2003.



Debats de la Mediterrània

- What is the Postcolonial? Israelis and Palestinians returning to the Community of the Past, Critical Legal Conference, Rand Afrikaans University, Johannesburg, September 2003.
- Palestine and Self-Determination in late colonialism: the problem of law's occupation, Polis Human Rights Conference, London Metropolitan University, July, 2003.
- History is still alive in the new Middle East: Late colonial rule in Palestine and Iraq, The New International Law workshop jointly organized by the Foundation for New Research in International Law and the Birkbeck Law School, University of London, June 2003.
- Law and Liberation in Late Colonial Palestine, International Center for Contemporary Middle East Studies, Eastern Mediterranean University, Cyprus, April 2003.
- Beyond Occupation: Perspectives for Islam in the reconstruction of international legal culture, 41st International Affairs Symposium. Lewis & Clark College, Portland, Oregon, April 2003.
- Speaking of the Enemy: the Bush Administration's Legal discourses on Iraq, 6th annual meeting of the Association of Law, Culture and the Humanities, Cardozo Law School, New York, March 2003.
- Pinochet and the English Courts: The intersection of International law and imperial crime, Institute of Law, Birzeit University, at the Center for Strategic Studies, University of Jordan, Amman, December 2002.
- The Colonial Authorship of Islamic Law: Mujtahids and Orientalists, Law and Literature Association of Australia, University of Melbourne, December 2002.
- Pinochet and the English Courts: The intersection of International law and imperial crime, Institute of Law, Birzeit University, at the Center for Strategic Studies, University of Jordan, Amman, December 2002.



- At Law's End: The Bush Administrations Discourses on Saddam Hussein, Critical Legal Conference, London Metropolitan University, September 2002.
- Islamic Jurisprudence and Civil Society: The Colonial State's Entrapment of Islamic Law, Postcolonial Legal Studies Workshop, Manning Park, British Columbia, June 2002.
- Islamic Law and the English Press: Representations since September 11th, Law and Society Association and Canadian Law and Society Association Joint Meeting, Vancouver, May 2002.
- International Relations after September 11, International Relations Forum, University of North London, June 2002.
- Representing Islamic Law: English Images since September 11th. International Center for Contemporary Middle Eastern Studies, Eastern Mediterranean University, Cyprus, April 26-28, 2002.
- The Colonial Moment and the Politics of the Postcolonial, Instances of Critique Seminar, Birkbeck School of Law, London, February 2002.
- Edward Said and the Legal Narratives of Palestine, Birkbeck school of Law Seminar Series, January, London 2002.
- From Ground Zero to the Palestinian State, Polis research group, University of North London, November 2001
- Islamic Law and September 11: the complexities of legal cultures, St John's College, Oxford, November 2001.
- Palestine and Self-Determination: Narrating the Law, International Law research seminars, University of Hull, May 2001
- Reflections on Edward Said and the Legal Narratives of Palestine, 4th annual meeting of the Law, Culture and the Humanities Association, University of Texas at Austin, USA, March 2001.



Links:

- Encountering Islamic Law at: <http://www2.iiu.edu.my/deed/lawbase/>
- Review of "Law after Ground Zero" in the European Journal of International Law, Vol. 15, No. 3 (2004)
<http://www.ejil.org/journal/Vol15/No3/chh310.pdf> (pdf* file format)