The Closed Comparative Lawyer:
On How to Pass for Human Rights Material

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The Harvard Human Rights Program ("HRP") was kind enough to accept me as a visiting fellow over four years ago. While thrilled by the opportunity and deeply grateful for it, my move to Cambridge was coupled with quietly simmering concerns over my human rights credentials, concerns which I did my best to hide back then. It is now time to fess up: I arrived at HRP secretly suspecting that I was a trespasser there, a party crasher of the most conniving sorts—someone intellectually drawn to human rights law, but fully lacking in the stock pedigree of activist experience and largely unexcited by the field’s standard professional engagements. You see, it was as a comparative lawyer that I first became interested in human rights law, and it was as a comparative lawyer that I first feared betraying it. Straddling these two disciplines is far from an obvious exercise, and I wondered how long it would be before my cover was blown and the "real" human rights fellows exposed me for what I was: a comparative lawyer interloping in their field.

A week into the fall semester, I sat at the HRP lunch table, surrounded by the warm and welcoming faces of Henry Steiner and Peter Rosenblum, as well as an impressive set of visiting fellows from across the world. On the table were sandwiches from Au Bon Pain in meat and vegetarian varieties, and soft drinks in a red plastic bowl full of ice. Small talk ensued, speculations over the weather and stories of settling in, smiles all around. Yet I knew the dreaded moment would come when we would go around the table and introduce ourselves, each volunteering some short and coherent line about our educational background, professional experiences, and the kind of research and writing that we intended to pursue while at Harvard.

And what was I going to say?

My law school transcripts from the eight years of studying between Cairo and Cambridge were curiously free of a single human rights course. For two summers, I worked as a corporate law associate, and I spent my third summer at Harvard preparing for the New York bar exam. I eventually joined a big firm as a securities lawyer, and when I began to fantasize about exits from my corporate existence, these fantasies concentrated on a career in academia as someone who writes on "comparative law" and teaches it to interested students. That was more or less the extent of it.

Only one CV item gave my background the veneer of human rights material. Before taking up this fellowship, I had quit the firm and moved to Ramallah. For two years I taught at Birzeit University, worked on setting

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enabling organizations and policy makers to use the "legal system" to promote better decisions on complex issues. By integrating decision theory into the legal system, we can help identify and mitigate cognitive biases and improve the quality of legal decisions. This approach is consistent with the concept of "law and economics" as discussed by A. A. M. Afshar and B. M. A. M. Afshar in their article "The role of law and economics in environmental decision making."
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hybrid relation between the different historical layers of a legal system that might provide alternative tools of engagement with human rights.