CELEBRATING 60 YEARS OF

HUMAN RIGHTS

1948 - THE UNIVERSAL DECLARATION OF HUMAN RIGHTS - 2008

U.S. DEPARTMENT OF STATE / BUREAU OF INTERNATIONAL INFORMATION PROGRAMS

U.S. DEPARTMENT OF STATE / NOVEMBER 2008 / VOLUME 13 / NUMBER 11

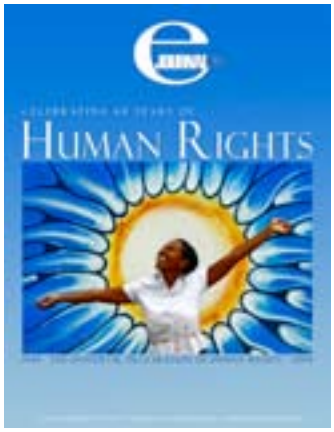
http://www.america.gov/publications/ejournals.html

International Information Programs:

Coordinator	Jeremy F. Curtin
Executive Editor	Jonathan Margolis

Creative Director	George Clack
Editor-in-Chief	Richard W. Huckaby
Managing Editor	Michael Jay Friedman
Associate Editor	Meghan Loftus
Production Manager	Susan L. Doner
Assistant Production Manager	Chloe D. Ellis
Web Producer	Janine Perry

Copy Editor	Kathleen Hug
Photo Editor	Maggie J. Sliker
Cover Design	Timothy J. Brown
Reference Specialist	Anita N. Green
Copyright Specialist	Yvonne R. Shanks



Cover Photo: © U.N. Photo/Martine Perret

The Bureau of International Information Programs of the U.S. Department of State publishes a monthly electronic journal under the *eJournal USA* logo. These journals examine major issues facing the United States and the international community, as well as U.S. society, values, thought, and institutions.

One new journal is published monthly in English and is followed by versions in French, Portuguese, Russian, and Spanish. Selected editions also appear in Arabic, Chinese, and Persian. Each journal is catalogued by volume and number.

The opinions expressed in the journals do not necessarily reflect the views or policies of the U.S. government. The U.S. Department of State assumes no responsibility for the content and continued accessibility of Internet sites to which the journals link; such responsibility resides solely with the publishers of those sites. Journal articles, photographs, and illustrations may be reproduced and translated outside the United States unless they carry explicit copyright restrictions, in which case permission must be sought from the copyright holders noted in the journal.

The Bureau of International Information Programs maintains current and back issues in several electronic formats, as well as a list of upcoming journals, at *http://www.america.gov/publications/ejournals.html.* Comments are welcome at your local U.S. Embassy or at the editorial offices:

Editor, *eJournal USA*
IIP/PUBJ
U.S. Department of State
301 4th St. S.W.
Washington, DC 20547
United States of America

E-mail: eJournalUSA@state.gov

About This Issue

© U.N. Photo/MB

Sixty years ago, in the aftermath of the most horrific armed conflict ever witnessed, the nations of the world produced the Universal Declaration of Human Rights. Even as men and women continued to clear the battlefields, count the dead, and rebuild their cities, their representatives meeting at the United Nations in New York crafted a work of optimism and hope, a work that some have called the 20th century's greatest achievement.

"We the peoples of the United Nations determined … to reaffirm faith in fundamental human rights," it began, "in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, ..."

This issue of *eJournal USA* celebrates the 60th anniversary of the Universal Declaration by explaining how this powerful statement of humanity's common inheritance came to be, how it draws upon an intellectual heritage that transcends political boundaries, and how — with room always for improvement — it has bettered the lives of individuals in every corner of the globe.

Six feature essays explore these themes. In a work of broad scope, Claude Welch surveys why the Universal Declaration matters, what it says, and the results it has produced. Paul Gordon Lauren explains the significant political obstacles that had to be surmounted in order to make the Declaration a reality. Susan Waltz explores how the Declaration's language was crafted. Her cutting-edge scholarship reveals that the final document was no great-power imposition, but rather one that reflects the input of many nations.

The two essays that follow place the Universal Declaration within rich intellectual and historical traditions. Lynn Hunt traces the emergence of human rights as we know it to developments in the arts that spurred a new understanding of the individual. Jack Donnelly addresses charges that human rights is an imposition of Western, or wealthy, or imperialist nations. He illustrates how despite differences over details, a broad cross-cultural consensus accepts the universality of core human rights concepts.

This issue also features short profiles of the Universal Declaration's principal draftsmen. Their diversity reflects the Declaration's most significant achievement: Its principles truly are universal, a joint inheritance of every man and every woman.

— *The Editors*

U.S. DEPARTMENT OF STATE / NOVEMBER 2008 / VOLUME 13 / NUMBER 11
http://www.america.gov/publications/ejournals.html

Celebrating 60 Years of Human Rights

3 The Universal Declaration of Human Rights at Sixty
CLAUDE WELCH, STATE UNIVERSITY OF NEW YORK AT BUFFALO
Why the Universal Declaration matters, what it says, and the results it produced.

8 Eleanor Roosevelt: A Profile

10 The Universal Declaration of Human Rights: Launching and Sustaining a Revolution
PAUL GORDON LAUREN, UNIVERSITY OF MONTANA
The drafters of the Universal Declaration overcame significant political obstacles to produce a visionary document viewed by some as the 20th century's "greatest achievement."

17 John Humphrey: A Profile

19 Who Wrote the Universal Declaration of Human Rights?
SUSAN WALTZ, GERALD R. FORD SCHOOL OF PUBLIC POLICY, UNIVERSITY OF MICHIGAN
While a number of prominent statesmen drafted the Universal Declaration, the final document reflects input from many nations.

24 Charles Habib Malik: A Profile

26 Inventing Human Rights: An Empathetic Understanding
LYNN HUNT, UNIVERSITY OF CALIFORNIA AT LOS ANGELES
A new understanding of the individual, reflected in developments in the arts, helped to spark an understanding of and political commitment to human rights as we know them today.

31 Zhang Pengjun: A Profile

33 Relativity and the Universal Declaration
JACK DONNELLY, JOSEPH KORBEL SCHOOL OF INTERNATIONAL STUDIES, UNIVERSITY OF DENVER
While nations and cultures differ on details, a broad cross-cultural consensus accepts the universality of fundamental human rights components.

38 René Cassin: A Profile

40 Additional Resources

The Universal Declaration of Human Rights at Sixty

Claude Welch

Courtesy Franklin D. Roosevelt Presidential Library

Eleanor Roosevelt with the Universal Declaration of Human Rights.

Claude Welch is SUNY Distinguished Service Professor and professor of political science at the State University of New York at Buffalo. He has published 14 books and close to 40 chapters and academic articles in fields including human rights, African politics, and the roles of armed forces in political affairs. In 2006, he received the first-ever Lifetime Achievement Award given by the financial services firm TIAA-CREF and the SUNY Research Foundation.

December 10, 2008, marks an important anniversary: It is 60 years since the United Nations General Assembly ratified the Universal Declaration of Human Rights and opened a new era of international history. Why the UDHR matters, how it came into existence, what it says, and the results it produced are the focus of this article.

Why the Universal Declaration Matters

The Universal Declaration is among the most important documents of the 20th century. It has been translated into 337 different languages. It has become a touchstone for actions by governments, individuals, and nongovernmental groups. It has been ratified by every country in the world. Practically no other international instrument can claim this honor. In short, the UDHR has acquired a moral and political significance matched by few documents.

The Universal Declaration provides both a guide to present action and an evolving set of ideas for future implementation at the national level. Increasingly, the UDHR's principles have been embodied in what states do, and it serves as the foundation for the International Bill of Rights and of several other crucial human rights agreements. And, not least, the Universal Declaration has

© KEYSTONE/Sandro Campardo

A delegate at work during the 2007 session of the U.N. Human Rights Council.

proven a remarkably flexible foundation for a continued broadening and deepening of the very concept of human rights. How many treaties can claim such honors?

The UDHR was one response to the horrendous destruction of peoples, lands, and infrastructure during the Second World War. Almost all of Europe had been shattered by conflict. Much of Asia also had been wracked by war. Vast reconstruction was necessary so people could return to "normalcy." And with the war's end, nationalist reactions against foreign rule and demands for independence suggested that the new, postwar world would not necessarily be free from conflict. In short, a new beginning was essential. The Universal Declaration of Human Rights resulted directly from this yearning for a new global set of rules.

How the Universal Declaration Came Into Being

Every country in the world had been touched directly or indirectly by World War II. Seventy million people perished. Planning for a future international organization to succeed the League of Nations started during the war. In the spring of 1945, 50 governments and hundreds of nongovernmental organizations met in San Francisco. The states hammered out the "constitution" of a new United Nations. The resulting "charter" embodied both "official" and "unofficial" ideas.

The Preamble to the United Nations Charter includes these famous words:

> *We the peoples of the United Nations determined …*
> ***to reaffirm 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 and small, …*

Much thought, time, and energy went into determining the United Nations' structure. Many readers will recognize and understand the respective roles and powers of the General Assembly (where all 192 U.N. members sit) and of the Security Council (10 elected and five permanent members). Far less known, however, are parts of the United Nations devoted exclusively to human rights.

The U.N. Charter called for a commission on human rights. Eleanor Roosevelt, widow of U.S. President Franklin Delano Roosevelt, chaired it. With the help of the United Nations Educational, Scientific, and Cultural Organization, the new Commission on Human Rights studied how different cultures, nations, and philosophers viewed human rights. These multiple perspectives deepened the commission's understanding and improved its work.

In September 1948 the commission sent its draft to the U.N. General Assembly. Lengthy debates clarified the draft language and built increasing consensus. Discussion and approval took two full years, including 81 meetings, 168 amendments to the draft text, and nearly 1,400 votes. The climax came on December 10, 1948. The General Assembly adopted the Universal Declaration without a single dissenting vote, although eight states abstained. This was a remarkable conclusion to an extraordinary process.

What the UDHR Says

The Universal Declaration of Human Rights sets forth a number of objectives, some to be achieved immediately, others as rapidly as feasible. The UDHR also provided the foundation for a series of other international agreements, both global and regional. Finally, the UDHR inspired people around the world to claim their rights, not simply accept the diktat of others.

The UDHR provides "a common standard of achievement for all peoples and all nations." Every "individual and every organ of society" shall promote "respect for these rights and freedoms … by progressive measures ..." The goal was "to secure their universal and effective recognition and observance."

Underlying the entire Declaration is a basic value. "All human beings are born free and equal in dignity and rights," Article 1 states. This assertion ran in the face of centuries of practice and widespread beliefs. The Universal Declaration could not by itself reverse or transform popular attitudes. Nonetheless, it pointed in a crucial direction.

Perhaps most important, the clarity and directness of its language inspired millions. An increasing number of translations and conscious efforts to spread the UDHR's message popularized its principles. Men and women everywhere recognized that they enjoyed rights that no government should take away.

Drafters of the UDHR consciously drew upon several legal and philosophical traditions. Many of its 30 articles deal with civil and political rights, which protect individuals from government and from state-condoned private abuses. Others discuss freedoms common to each individual, such as the right to free expression. Still others set forth economic, social, and cultural rights, such as access to education and the right to work.

Results of the Universal Declaration

Even more significant than the Universal Declaration's inspirational language have been its results. In international law, several major treaties, ratified by more than 100 countries, trace their origins to the UDHR. They include, in chronological order:

- The International Convention on the Elimination of Racial Discrimination (1965);
- The International Covenant on Economic, Social, and Cultural Rights (1966);

© AP Images/Manish Swarup

The Dalai Lama addresses a Human Rights Day ceremony in New Delhi, India, in 2003.

- The International Covenant on Civil and Political Rights (1966);
- The Convention on the Elimination of All Forms of Discrimination Against Women (1979);
- The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984);
- The Convention on the Rights of the Child (1989).

When a country ratifies an international agreement, it assumes a legal obligation. Citizens of states signing on to the UDHR and its progeny thus possess rights they may not have fully enjoyed earlier because their government has acknowledged and pledged to respect those rights. Signatories to many human rights treaties must prepare and submit regular reports on their citizens' freedoms. All these reports go to U.N. specialists who study them carefully and recommend where changes are needed.

Citizens groups increasingly provide their own reports, with additional details. Thus, one of the hopes of the drafters of the Universal Declaration has been increasingly met: People have a voice in their own destiny.

Still other international agreements have stemmed from the Universal Declaration:

- Prosecution of indicted war criminals by the International Criminal Court, functioning as of 2002;
- The "responsibility to protect," as approved by the General Assembly in 2005, which places a moral obligation on countries to help states wracked by widespread disturbances or civil wars;
- An August 2006 agreement on a draft convention on the rights of the disabled;

- Adoption of a Universal Declaration of Indigenous Rights by the United Nations in September 2007;
- Reducing or eliminating the death penalty in much of Europe and elsewhere;
- Giving more attention to how transnational corporations affect human rights where they operate.

These developments required significant discussion. Nearly 20 years passed between adoption of the Universal Declaration and the "entry into force" — in other words, full acceptance into international law — of the two international covenants described above. Twenty-five years of discussion preceded General Assembly acceptance of the Universal Declaration of Indigenous Rights. On the other hand, agreement about establishing the International Criminal Court came within four years, and the convention on children's rights in less than a year. The picture is thus mixed.

What Steps Lie Ahead?

For six decades, the Universal Declaration of Human Rights has proven its durability. Yet debates remain.

Cultural distinctiveness continues to arouse discussion about universality, the "U" in UDHR. Although the Universal Declaration's principles have been reaffirmed time after time, some assert that cultures or regions differ so much that no real global standards can exist.

A second area of controversy swirls around the rights of persons belonging to ethnic groups and national minorities. As individuals, they cannot be discriminated against because of their backgrounds. However, long-term economic or political disadvantages, deeply engrained social attitudes, and the like *against the groups to which they belong* raise profound questions. Do groups per se have rights?

Additional uncertainty exists with respect to internally displaced persons. They are individuals who cannot live in their usual homes because of conflict, but have not crossed an international border. Internally displaced persons (known as IDPs) confront horrendous, dangerous living conditions. They also exist in a legal no-man's-land. Had they left their own countries, they would have enjoyed international legal protection. Having remained at home or near home, they continue to be liable to many problems.

A fourth area of controversy centers on how best to settle large-scale civil conflicts. Should the international community intervene for humanitarian reasons? Should peace and reconciliation committees or similar groups to establish the "truth" be set up"? Should negotiations be encouraged between opposing groups by promising amnesty to those accused of war crimes? Or would justice be served better by trying to arrest and try them in the International Criminal Court? How far do the obligations of the "right to protect" extend? Who should take responsibility for any coercive intervention?

Still another area of concern involves apologies and reparations for previous human rights injustices. Earlier violence against large numbers of people of other nationalities can —- and does — sour relations between and among governments and their populations. Hence, this whole area is fraught with political difficulties, irrespective of its importance for human rights generally.

Truth commissions and

© Peter Tumley/CORBIS

A German youth waves victoriously from the top of the Berlin Wall in November 1989.

© U.N. Photo

The first meeting of the committee that drafted the Universal Declaration.

truth and reconciliation groups provide an additional dimension, showing the evolution and growth of human rights. They investigate previous abuses. Their establishment suggests that previous "human wrongs" cannot be hidden forever.

Serious economic issues undercut how much — and indeed whether — individuals can enjoy full human rights. If human rights "begin with breakfast," persons must have reasonable chances for employment and schooling. They must be able to break out of the trap of poverty and avoid the debilitating impact of malnutrition and endemic disease. The Universal Declaration speaks about these concerns in general terms. However, serious problems remain in light of economic inequalities within and between nations. Wasteful or corrupt practices by government officials reduce what is available for other needs.

Finally, and in many ways most significant, the Universal Declaration of Human Rights cannot be enforced by "traditional" means of coercion. The United Nations has no armed forces of its own, but must obtain parts of other states' militaries for help. The U.N. agencies directly concerned with human rights, such as the Geneva-based Office of the High Commissioner for Human Rights, receive little funding.

Looking back to 1948, however, progress has been remarkable. A visionary document has become a living reality. The Universal Declaration should be celebrated for its firm foundation and flexible structure. December 10, 2008, should be celebrated around the world. ■

The opinions expressed in this article do not necessarily reflect the views or policies of the U.S. government.

Eleanor Roosevelt: A Profile

© AP Images

Eleanor Roosevelt, crusading first lady of the United States and first chair of the U.N. Commission on Human Rights, pictured here in 1957.

Eleanor Roosevelt had many roles in her lifetime, but she considered her time on the U.N. Commission on Human Rights her most important work.

A native New Yorker, Roosevelt was born in 1884 into a prominent family that valued community service. Both of her parents died before she was 10, and she was raised by relatives.

Finding society life stifling, she taught "calisthenics and fancy dancing" in a Manhattan settlement house. The settlement house was a new form of social reform where those who served the poor in urban areas would live among them and work with them directly. She married her distant cousin, Franklin Delano Roosevelt, a rising political star, in 1905. They had six children together.

Resuming her volunteer work after the outbreak of World War I, Eleanor Roosevelt visited wounded soldiers and worked in a Red Cross canteen. "The feeling that I was useful was perhaps the greatest joy I experienced," she later said.

In 1920, Franklin was stricken with polio, an affliction that would relegate him to a wheelchair and, it seemed for a time, end his political career. Eleanor was torn between pursuing her love of volunteering and helping her husband maintain his political viability. She spoke and worked for the Women's Trade Union League and the National Consumers' League. Working in the legislative affairs office of the League of Women Voters, she read the *Congressional Record* regularly. But she also nursed her husband back to health. Franklin Roosevelt resumed his political career, winning, first, in 1928, the governorship of New York, then the nation's most populous and politically important state. Then, in 1932 — at the height of the Great Depression — Franklin Roosevelt was elected to the presidency of the United States.

The Constitution of the United States does not establish any role for the nation's "first lady." Many presidential wives had served a ceremonial function only. But Eleanor Roosevelt swiftly carved out for herself a role as trusted policy advisor. She was an advocate for the rights of women, the poor, and minority groups. She became Franklin's eyes and ears, traveling the country and reporting back her findings, especially regarding racial discrimination in the South. Oftentimes she would aggressively lobby the president to change policy based on what she had seen. As presidential historian Doris Kearns Goodwin writes about Eleanor, "Citing statistics to back up her story, she would interrupt her husband at any time, barging into his cocktail hour when he wanted only to relax, cross-examining him at dinner, handing him memos to read late at night." And it worked. Franklin Roosevelt signed a series of executive orders barring racial discrimination in the administration of government economic relief projects.

During World War II, Eleanor Roosevelt visited England and the South Pacific to boost the morale of U.S. servicemen and to maintain strong ties with the Allies. With her husband's death in April 1945, she moved out of the White House but continued her activism. Later in 1945, the new president, Harry S. Truman, calling Eleanor the "First

© AP Images

Roosevelt at work in a Depression-era New York soup kitchen, 1932.

Lady of the World," appointed her to the U.S. delegation to the United Nations.

Roosevelt served as the chair of the U.N. Commission on Human Rights, which was charged with submitting proposals, recommendations, and reports regarding declarations on civil liberties, the status of women, freedom of information, the prevention of discrimination, and the protection of minorities. First and foremost on the commission agenda, however, was formulating an international bill of rights.

Securing one would be no easy feat. Mixing philosophical debates with the political process was dangerous in an international setting — everyone wanted to respect the neutrality of the document while articulating his or her vision for human rights. But Roosevelt was characteristically unfazed. "We make our own history," she said. "It is more intelligent to hope than not to hope, to try rather than not to try. Nothing is achieved by the person who says it can't be done."

People around the world began flooding the commission, and especially Roosevelt, with letters detailing human rights abuses and asking for help. It made the commission's charge all the more pressing. Roosevelt kept the group on a tight schedule, sometimes working late into the night. The delegates understood that she worked hard, and expected the same of others.

In December of 1947, the Commission on Human Rights put the finishing touches on its draft of a declaration on human rights. But getting the draft through the United Nations Third Committee (which handled social, humanitarian, and cultural affairs) was difficult. "We worked for two months, often until late at night, debating every single word of that draft Declaration over and over again before Committee 3 would approve its transmission to the General Assembly," Roosevelt wrote in her memoirs.

In December of 1948, with just one week to go until the U.N. General Assembly ended its annual session, the delegates still vehemently debated and amended the draft. Finally, on December 9, Eleanor Roosevelt addressed the General Assembly, noting that "we stand here today at the threshold of a great event both in the life of the United Nations and in the life of mankind." And with just four minutes left before midnight on December 10, General Assembly President Herb Evatt of Australia called for a vote. Forty-eight nations voted affirmatively, none against, and eight abstained (two countries were not present and neither voted nor abstained). The Universal Declaration of Human Rights had been adopted. Eleanor Roosevelt received a standing ovation from the General Assembly.

Eleanor Roosevelt left the United Nations in 1951, but she continued writing and giving lectures and remained active in Democratic Party politics until her death in 1962. ■

—Meghan Loftus

The Universal Declaration of Human Rights: Launching and Sustaining a Revolution

Paul Gordon Lauren

© AP Images

Representatives of 50 nations meet in San Francisco in 1945 to draw up the U.N. Charter.

Paul Gordon Lauren, a globally recognized authority on the history of human rights, is Regents Professor at the University of Montana. He has published many articles and 11 books, several of which have been translated, including the award-winning The Evolution of International Human Rights: Visions Seen*, nominated for a Pulitzer Prize, and* Power and Prejudice. *Lauren has created one of the Great Courses for The Teaching Company on the subject of "The Rights of Man," and he has lectured widely around the world before such audiences as the Smithsonian Institution, the Nobel Peace Institute, and the United Nations.*

When it was adopted 60 years ago, the Universal Declaration of Human Rights was described by its detractors as "mere words," as "only a declaration," and as "simply a statement of principle devoid of any binding legal force." They believed that it would have little or no impact. Within just a few months, however, its vision struck a chord and rapidly began to take on a life of its own. The Universal Delcaration began to assume growing political, moral, and even legal authority, and it propelled human rights from the margins of international relations to one of its central pillars. In the process, it launched and sustained a human rights revolution that the British Broadcasting Corporation would deem "our century's greatest achievement."

The Challenges of Creating the Declaration

When the members of the newly created United Nations Commission on Human Rights elected Eleanor Roosevelt, the former first lady of the United States, to chair the committee that would draft what would become known as the Universal Declaration of Human Rights, they had no idea that their efforts would have such an

Courtesy Franklin D. Roosevelt Presidential Library

Eleanor Roosevelt chairs the opening session of the United Nations Commission on Human Rights.

enormous impact. Success seemed remote, and it appeared as though they would surely fail. The United Nations had assigned the Human Rights Commission the nearly impossible tasks of defining the meaning of the expression "human rights" and of somehow creating what was called an "international bill of rights" for the entire world. Each undertaking posed daunting philosophical and political challenges.

Those confronted with these tasks quickly came to realize, for example, that perhaps no public policy issue raised more difficult philosophical questions. Thoughtful men and women from different religious and philosophical traditions had wrestled over these very questions for centuries. What exactly are "human rights" and what is their source? Do they come from "God," from "nature," from "reason," or from governments? To whom do they apply? Can they be universally claimed by all people, or are they restricted to a particular gender, race, class, state, culture, or stage of development? What is the connection between human rights and "peace," "security," and "justice"? What is the relationship between responsibilities and rights? Are some rights (such as civil and political rights) more important than others (such as economic and social rights), or are they all interdependent and indivisible and of equal value? Is it possible to establish normative worldwide standards of behavior while respecting different philosophical, religious, legal, and cultural values? These profound questions were followed by others.

Politics also greatly endangered the tasks at hand. Whatever euphoria existed from the Allied victory in the Second World War quickly evaporated. At exactly the time that the Human Rights Commission was drafting the UDHR language, the roster of international developments and crises was ominous:

- The Soviet Union was imposing the Iron Curtain over Eastern Europe.
- The Cold War between the United States and the Soviet Union was expanding.
- The strategic arms race — featuring new atomic weapons of mass destruction — was escalating.
- The Berlin Blockade was emerging.
- Violence was exploding in colonial empires among those who now insisted on their right to self-determination.
- The forces of Mao Zedong were advancing in China.
- Armed conflict in Palestine revolving around the creation of the new state of Israel was erupting.
- Race riots were breaking out in several countries (including the United States).
- India was publicly confronting South Africa over its policies of apartheid.
- Private individuals suddenly were challenging their own governments over violations of human rights before the eyes of the world.

In addition, agreement seemed remote because the members of the new United Nations possessed many highly divergent political systems of government.

These political difficulties were worsened by internal contradictions within the United Nations Charter, adopted during the San Francisco Conference of 1945. The Preamble and Article 1, among other textual provisions, had eloquently established human rights and fundamental freedoms for all without discrimination among the basic principles in its quest for peace, security, and justice. But at exactly the same time, Article 2(7) had reinforced claims of national sovereignty by stating

© AP Images/Remy de la Mauviniere

Freedom of expression: Exiled Cuban writer Eduardo Manet addresses the Reporters Without Borders NGO. The group advocates for freedom of the press worldwide.

that nothing contained in the charter could authorize the new organization to interfere in matters "essentially within the domestic jurisdiction" of any member state. Thus, if the human rights provisions for all people were honored, national sovereignty would be diminished. If, on the other hand, national sovereignty and domestic jurisdiction were protected, human rights might be jeopardized. The challenge was that the very governments most guilty of violating their own people's human rights were being asked to provide protection against themselves. This proved to be too radical a departure from traditional approaches. A number of national governments therefore instructed their commission representatives to avoid any binding measures or measures of implementation and to focus instead on a declaration alone.

These challenges produced what participants and observers alike described as "explosive" arguments, "extremely delicate" issues, "fireworks," and intense "battles." Given all these challenges and the high stakes involved, it is a wonder that anything was achieved at all. When the U.N. General Assembly adopted the Universal Declaration in December 1948, those who had labored so hard to draft it thus described the result as nothing short of "a miracle."

The Vision of the Declaration

The Universal Declaration of Human Rights did something that had never been done before: It proclaimed a universal vision of fundamental values and normative principles, or what it called "a common standard of achievement for all peoples and all nations." In language that merits considerable attention and reflection, the very first article declared: "All human beings are born free and equal in dignity and rights." This single sentence boldly insisted that human rights are *natural* (not granted by man-made governments, but inalienable and inherent to people simply by being human), are *equal* (not just for one segment of society, but the same for all), and are *universal* (not restricted to a few places or a few actors, but everywhere in the world).

Article 2 asserts that in applying these rights, there is to be no distinction or discrimination of any kind: not by race, color, or sex; not on account of language, religion, or political or other opinion; not by national or social origin, property, birth, or status of the country or territory to which a person belongs. In order to emphasize this point throughout the text, and to answer definitively the question of exactly who should enjoy these human rights, almost every article in the Declaration begins with one single word: *"Everyone."*

Having established these broad principles, the Universal Declaration next enumerated and delineated a wide variety of human rights. It proclaimed that everyone has certain *civil rights*: the right to life, liberty, and security of person; the right to be free from slavery or servitude; the right to be free from torture and other cruel forms of treatment or punishment; the right to enjoy equal protection under the law; the right to be free from arbitrary arrest, detention, or exile; the right to a fair trial; the right to freedom of thought, conscience, and religion; the right to freedom of opinion and expression; the right to freedom of movement within one's own country; and

© Lynsey Addario

An Iraqi printing press produces a newspaper run. New publications have flourished since the fall of Saddam Hussein.

the right to seek asylum from persecution, among others.

In what has been described as "a revolution within a revolution," the UDHR declared vitally and dramatically that everyone has certain *political rights*: the right to take part in the government of their country either directly or through freely elected representatives, and the right to live under a government whose authority is derived from the will of its people as determined by periodic and genuine elections of universal and equal suffrage. It further declared that everyone has certain *economic and social rights*: the right to marry and found a family, the right to own property alone as well as in association with others, the right to social security and an adequate standard of living, the right to work, the right to receive equal pay for equal work, the right to an education, and the right to participate in the cultural life of the community, among others. Finally, it also declared that everyone has *duties* to others and to the larger society as well.

The Universal Declaration was exactly that — a declaration of words, not an enforceable treaty. It was a negotiated document that emerged from a highly politicized process, not a perfect one. In some ways it raised more questions than it provided answers. Moreover, it is important to remember that at the time of its adoption, no state — not one — regardless of location, system of government, or level of economic or cultural development, could possibly meet or satisfy the UDHR's standards of achievement.

Despite these problems and limitations, however, the Declaration nevertheless made two extremely important contributions. The first is that it held out an inspirational vision for those willing to struggle to secure rights for themselves and others. The Declaration's universal principles were not written as a narrow set of legal provisions (or what one observer described as "a document for lawyers"), but rather in language that could be readily understood by ordinary people in all walks of life and in any city or village and thereby serve as an expression of aspiration and inspiration. Secondly, by overwhelmingly adopting the Universal Declaration, the official representatives of governments from around the world pledged themselves to promote and secure its principles

and thereby give them legitimacy. They were understood as having contracted with their peoples to protect their human rights. Together these two contributions created the essential ingredient that launched and sustained an international human rights revolution: hope for the future.

The Impact of the Declaration

Over the course of the 60 years that followed, the Universal Declaration emerged as one of the most important and influential documents in history. It would inspire and influence innumerable local, national, regional, and international human rights developments.

The process began almost immediately. Several new national laws and constitutions, including those of Costa Rica, El Salvador, Haiti, Indonesia, Jordan, Libya, Puerto Rico, and Syria, incorporated either its specific language or principles into their texts. Judicial opinions and court cases, ranging from municipal courts to the International Court of Justice, referred to the Universal Declaration by name. Indigenous peoples seeking to assert the right of self-determination from colonial empires eagerly seized on its vision. The 1951 Treaty of Peace with Japan specifically proclaimed that Japan would "strive to realize the objectives of the Universal Declaration of Human Rights." A number of other postwar bilateral treaties explicitly made reference to the Universal Declaration, as did official complaints from one government to another about human rights violations. This process would escalate through time.

The UDHR also inspired a wide variety of other declarations that focused on more specific aspects of human rights. In the years that followed, the General Assembly of the United Nations, the United Nations Economic, Scientific, and Cultural Organization, and the International Labor Organization all have based their subsequent proclamations of rights on the vision and the legitimacy of the Universal Declaration and have cited it by name. Regionally, these have included statements and declarations issued by the Asian-African Conference, the Summit Conference of Independent African States creating the Organization of African Unity, the Afro-Asian Peoples' Solidarity Organization, the European Union, and the Organization of American States. Internationally, they have included:

© AP Images

Members of the Women of Zimbabwe Arise group march toward the capital city of Harare to protest for greater respect for human rights.

- The Declaration of the Rights of the Child (1959);
- The Declaration on the Granting of Independence to Colonial Countries and Peoples (1960);
- The Declaration on the Elimination of All Forms of Racial Discrimination (1963);
- The Declaration on the Elimination of Discrimination Against Women (1967);
- The Declaration on the Protection of All Persons From Being Subjected to Torture (1975);
- The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981);
- The Declaration on the Right to Development (1986);
- The Declaration on the Rights of Indigenous Peoples (2007).

Inspired by the Universal Declaration, most of these declarations went on to set the stage for the emergence of critical standard-setting international treaties. These established both monitoring bodies and the regional conventions that in turn laid the foundation of a rich body of international human rights law, one designed to protect victims of specific kinds of human rights abuses. Among these, and all explicitly citing the UDHR, are:

- The European Convention on Human Rights (1950);
- The Convention Relating to the Status of Refugees (1950);
- The Convention on the Political Rights of Women (1952);
- The International Convention on the Elimination

© AP Images/Hasan Sarbakhshian

In 2003, human rights activist Shirin Ebadi arrives in Teheran, Iran, after receiving the Nobel Prize for Peace.

of All Forms of Racial Discrimination (1965);

- The International Covenant on Civil and Political Rights (1966);
- The International Covenant on Economic, Social, and Cultural Rights (1966);
- The International Convention on the Suppression and Punishment of the Crime of Apartheid (1973);
- The Convention on the Elimination of All Forms of Discrimination Against Women (1979);
- The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984);
- The Convention on the Rights of the Child (1989);
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

When the U.N. Commission on Human Rights determined to create provisions to receive individual petitions and to institute both advisory services in the field and what it called "special procedures" of working groups and rapporteurs to investigate particularly egregious violations of human rights outside of treaty obligations, it referred constantly to the Universal Declaration as the basis of its actions.

The Universal Declaration stimulated and inspired other human rights protections. One has been the further elaboration of international humanitarian law designed to protect the rights of both civilians and combatants during wars and armed conflicts, as evidenced by the additional protocols of 1977 and 2005 to the 1949 Geneva Conventions. Still another has been the extremely significant development of an international criminal law that seeks to hold government leaders personally responsible for war crimes, crimes against humanity, and genocide. The International Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda, and. especially, the landmark International Criminal Court all reflect this important trend.

In addition to all of these contributions, the Universal Declaration has become the foremost statement of human rights for what Eleanor Roosevelt called "the everyday

people" of the world. Although it began as a document of governments, it now has become the most translated single document in history, and thereby a document of peoples. From small grassroots human rights movements at the local level, such as the Mothers of the Plaza de Mayo in Argentina, to large nongovernmental organizations that operate on a global scale, the Universal Declaration has provided what has been called "a common language of mankind" when speaking of human rights. Thus, we find the explicit UDHR references of such recent human rights champions as Nelson Mandela of South Africa, Aung San Suu Kyi of Burma, the Dalai Lama of Tibet, Harry Wu of China, and Shirin Ebadi of Iran. Today the Universal Declaration is featured prominently on the Web sites of the United Nations, the United Nations High Commissioner for Human Rights, Amnesty International, Human Rights Watch, the Fédération Internationale des ligues des Droits de l'Homme, and those of the many, many others who work on behalf of human rights.

Continuing the Vision

Those who created the Universal Declaration of Human Rights hardly could have imagined the widespread impact that it would have on the world during the course of its first 60 years. They would be amazed that their vision, despite all of the odds against it at the beginning and all of the resistance that has been mounted against it since, accomplished so much. Never before in history have there been so many achievements in promoting, extending, enhancing, and actually protecting human rights.

Nevertheless, not all of the UDHR's vision has yet been fully realized. Severe abuses of human rights still exist. It is precisely for that reason that the revolution launched and sustained by the Universal Declaration must continue. ■

The opinions expressed in this article do not necessarily reflect the views or policies of the U.S. government.

John Humphrey: A Profile

Courtesy Franklin D. Roosevelt Presidential Library

John Humphrey's role as principal author of the first draft of the UDHR remained unknown until 1988. Eleanor Roosevelt is at left.

The Canadian lawyer, diplomat, and scholar John Humphrey overcame challenging childhood setbacks to emerge as primary architect of the Universal Declaration of Human Rights.

Born in 1905 in New Brunswick, Canada, Humphrey lost his left arm in a fire when he was six years of age. Both of his parents died when he was a child. He pursued his education at Mount Allison University in New Brunswick and at McGill University in Montreal, studying commerce and law. Upon graduation, he practiced law until 1936. Humphrey then joined the law faculty at McGill University, where he became a recognized expert in international law.

On his way out of the office for a long-planned vacation with his wife, Jeanne, Humphrey received a telephone call from an old friend, Henri Laugier. The two had met when Laugier was a refugee in Montreal. Now, Laugier was the assistant secretary-general of the United Nations in charge of social affairs. Instead of looking to catch up on old times, Laugier had a question: Would Humphrey be the director of the U.N. Secretariat's Division of Human Rights? The newly created post would protect and promote human rights. One of its chief missions was to work with the Commission on Human Rights. Humphrey said yes, and in August of 1946 he joined the United Nations.

Navigating the job was difficult. "New ground had to be plowed, but it was still *terra incognita*," Humphrey wrote in his memoir *Human Rights and the United Nations: A Grand Adventure*. A preliminary Commission on Human Rights had laid the groundwork for the creation of the permanent commission. But there were no instructions on how to fulfill the commission's purpose: to draft an international bill of rights.

Humphrey spent the last half of 1946 recruiting staff and adjusting to life in New York City, where the new United Nations had established its headquarters. The Commission on Human Rights opened on January 27, 1947, to what Humphrey described as "optimistic excitement." The 18-member commission, led by Eleanor Roosevelt, encompassed a broad range of ideological perspectives; in this the commission reflected political reality, but the diversity of views complicated greatly the task of formulating a document acceptable to all. Roosevelt narrowed the drafting committee to eight. But differences still threatened to block any progress on the text. With the concurrence of commission members Zhang Pengjun and Charles Malik, Roosevelt decided that Humphrey would write the draft.

Shunning the hustle and bustle of his office, Humphrey retreated to his temporary home at the Lido Beach Hotel in Long Beach, New York. Using a variety of drafts from different private and nongovernmental entities as a basis for his work, Humphrey outlined 48 articles in 400 pages. It was known as the Secretariat's Outline. Humphrey's role as principal author of the first draft remained unknown until 1988. Humphrey did not want to claim any credit. "To say I did the draft alone would be nonsense. … The final Declaration was the work of hundreds," he once told an interviewer.

And hundreds did modify the original document. In fact, the lengthy debates nearly prevented the U.N. General Assembly from ever voting on the Universal Declaration. The final vote was taken on the night of December 10, 1948, just two days before the session was to adjourn. It passed with only eight abstentions and no countries voting against.

The adoption of the Universal Declaration of Human Rights was nothing short of radical. "There has never been a more revolutionary development in the theory and practice of international law and organization than the recognition that human rights are matters of international concern," Humphrey wrote.

Humphrey's tenure at the United Nations lasted until he returned to McGill in 1966. But he remained committed to protecting human rights. Humphrey co-founded both the Canadian Human Rights Foundation and the Canadian branch of Amnesty International. He investigated human rights abuses in the Philippines, represented Korean females used as "comfort women" by the Japanese during the Second World War, and campaigned on behalf of reparations for Canadian prisoners-of-war who had been mistreated during that conflict. His tireless efforts earned him the title Officer of the Order of Canada, the country's highest civilian honor.

On the 40th anniversary of the Universal Declaration, Humphrey was awarded the U.N. Human Rights Award, which recognizes "individuals who have made outstanding contributions to the promotion and protection of human rights and fundamental freedoms." He died six years later at the age of 89. ■

— Meghan Loftus

Who Wrote the Universal Declaration of Human Rights?

Susan Waltz

Courtesy Franklin D. Roosevelt Presidential Library

Charles Malik (Lebanon), Eleanor Roosevelt (United States.), and René Cassin (France) were instrumental in crafting the UDHR.

Susan Waltz, a specialist in human rights and international affairs, is professor of public policy at the Gerald R. Ford School of Public Policy, the University of Michigan. She is the author of Human Rights and Reform: Changing the Face of North African Politics *(1995), and she has recently published a series of articles on the historical origins of international human rights instruments and the political processes that produced them. From 1993 to 1999, Waltz served on Amnesty International's International Executive Committee, and since 2000 she has served on the national board of the American Friends Service Committee.*

Eleanor Roosevelt's name is commonly associated with the Universal Declaration of Human Rights, and for good reason. The widow of U.S. President Franklin Delano Roosevelt served as chair of the U.N. Human Rights Commission from 1946 to 1951, and she brought to that role the respect and affection of people all around the world. In the difficult political environment of the late 1940s — with an emerging Cold War and mounting opposition to colonial rule — Mrs. Roosevelt's political acumen, diplomatic skills, and steadfast determination were crucial for the success of efforts to secure a human rights declaration.

While her role proved a vital one, Eleanor Roosevelt was not in any sense the author of the UDHR. She supplied neither the text nor the substantive ideas that shaped the UDHR. How, then, did this important document come into being? While Mrs. Roosevelt and a number of draftsmen played significant roles, the historical record discloses that the Universal Declaration reflects the contributions of diplomats from many nations and represents a true international consensus and a real commitment — even if only partially fulfilled — to expand and secure the rights of individuals everywhere.

In the most literal sense, credit for proposing a bill of human rights to the United Nations belongs

to Ricardo Alfaro, former president of Panama. As Panama's representative to the United Nations' inaugural meeting in 1945, Alfaro brought with him a draft bill of international rights and formally proposed that it be incorporated into the U.N. Charter. Civic groups around the world, legal professionals, and public intellectuals such as British writer H.G. Wells had been advocating an international proclamation of rights for several years, and Alfaro had worked with the American Law Institute (a group of judges, lawyers, and law teachers that drafts "model" laws — templates from which legislatures can craft simpler, more easily understood statutes) to produce the draft he carried. Diplomats assembled that May in San Francisco were not prepared to adopt anything as specific as Alfaro's proposal, but they did decide to establish a Commission on Human Rights, and they agreed informally that among the commission's first tasks would be to develop an international bill of human rights.

The next months were spent setting up the bodies envisioned by the U.N. Charter and appointing staff to work with them. Canadian law professor John Humphrey was asked to head up a small Division of Human Rights at the U.N. Secretariat, and a preparatory committee appointed by the U.N.'s new Economic and Social Council gave shape to the U.N. Human Rights Commission. By January 1947, 18 member states had been chosen and the commission set to work.

© U.N. Photo/Greg Kinch

An early draft of the Universal Declaration of Human Rights.

Seeking a Common Approach

Drafting, however, turned out to be a protracted affair. The initial intention was to have the commission's three officers prepare a draft for discussion, but that plan proved unworkable. When Eleanor Roosevelt invited Commission Vice Chairman Zhang Pengjun (also known as P.C. Chang) and Rapporteur Charles Habib Malik (Lebanon) to work on the draft at her New York apartment, the two men spent the afternoon locked in philosophical argument. One a proponent of natural rights philosophy and the other a Confucianist, the commission's two towering intellects were unable to agree on a common approach, leaving Roosevelt and Humphrey despairing in the wings.

The impasse between Zhang and Malik had important consequences for the ultimate shape of the Universal Declaration. A high-phrased, philosophical approach to the Declaration was abandoned in favor of a pragmatic, negotiated text, and the task of preparing the draft was transferred to the U.N. Secretariat. John Humphrey — a practically minded legal scholar — was charged with producing a "documented outline" for the Declaration. At the same time, the commission's internal drafting group was expanded to include representatives from five more states, a recognition of the inherent difficulties in crafting a text acceptable to all.

It did not take Humphrey long to produce a text because he already had at hand an impressive array of documents. Included among them were drafts and proposals submitted by numerous countries and nongovernmental associations, as well as the constitutions of all U.N. member states. Borrowing freely from these documents, Humphrey produced the first and basic draft of the UDHR. Over the next 15 months, this text was worked and reworked. French legal scholar René Cassin was asked to rearrange the articles and provide a preamble to frame them, and the drafting committee subsequently discussed and edited every line.

If the main task in 1947 was to develop and hone the text, the challenge in 1948 was to secure political agreement from all the U.N. member states. When the U.N. General Assembly convened in late September 1948, U.S. State Department officials hoped that deliberations over the Declaration would not last more than a few days. Those hopes were quickly dashed. The General Assembly's Third Committee (covering social, humanitarian, and cultural affairs) was charged with reviewing the document before it was considered in the plenary session, and Charles Malik was elected to preside over the hearings. Malik recognized that broad participation was necessary to build consensus and to foster among member states

a shared sense of political ownership. He therefore resisted efforts to rush the process. "Matters must be allowed to mature slowly, free from sharp corners," he counseled.

After opening statements from more than 40 countries, Malik proceeded to lead an article-by-article scrutiny of the text. In daily sessions over a period of two months, delegates considered scores of written amendments (the great majority submitted by Cuba, the Soviet Union, Panama, Lebanon, France, and Egypt). Each amendment was debated, some extensively, and each article of the draft Declaration was put to a separate vote. The debate on Article 1 alone spanned six days, and though Malik eventually bought a stopwatch to ensure that speakers did not exceed time limits, the official record of the Third Committee's painstaking deliberations fill some 900 printed pages.

© AP Images.

A Pakistani woman at a Lahore rally marking World Human Rights Day. Her poster reads, "Women's rights are human rights."

When the Third Committee finally completed its work in early December of 1948, it referred the Declaration to the plenary session of the General Assembly for one more article-by-article review. The General Assembly's historic vote on the final text took place shortly after midnight on December 10, the date now celebrated as Human Rights Day. Twenty-three of the 30 articles were accepted unanimously, and while South Africa, Saudi Arabia, and the Soviet bloc abstained on the final vote, 48 states cast affirmative votes. No state opposed.

Negotiating a Text

For many years, the detailed history of this elaborate process lay forgotten or obscured, and in the absence of nuanced understanding, many unwarranted assumptions were made. With the benefit of recent research, we now recognize that world powers were not the moving force behind the UDHR, the document did not have a single author, and its text was shaped by diplomats and civil servants rather than philosophers. Not only was each element scrutinized, but every article was modified over the course of the Declaration's two-year incubation: The resulting text bears the stamp of many individuals representing many countries.

The story behind that text may surprise some readers today. The most ardent champions of socioeconomic rights, for example, came from Latin America (rather than Soviet bloc countries, as often supposed). The Soviet bloc delegations resisted encroachments on sovereignty but tenaciously pressed the issue of nondiscrimination, and it is thanks in large part to their persistence that every article of the Declaration applies to everyone. Egypt is responsible for the strong statement of universality at the opening of the Declaration, its delegate having pushed to make the Declaration's provisions applicable "both among peoples of the Member States and among peoples of territories under their jurisdiction."

Anticipating concerns of our own times, delegates from India, the Dominican Republic, and Denmark fought to have rights expressed in gender-neutral language and for explicit recognition of the rights of women. The delegate from Poland called attention to the issue of human trafficking, and the draft was amended to prohibit slavery "in all its forms." A young woman delegate from Pakistan, herself raised in purdah (the custom of keeping women fully covered with clothing and apart from the rest

© AP Images

Children participate in a Human Rights Day rally in Calcutta, India.

of society), spoke out strongly against child marriage. And evoking the abuses — and worse — of the Nazi regime in Germany, the Philippine delegate argued forcefully against weakening the Declaration's prohibition of torture by referring to local cultural customs. Diluting the ban, he cautioned, could provide cover for those who cloak their abhorrent practices in cultural justification.

The record leaves no doubt that the diplomats charged with preparing the Universal Declaration embraced their task and were fully aware of its potential significance. They frequently reminded each other of the need to find language acceptable to all, so that the document's legitimacy would not be questioned. The strength of their commitment, however, was not sufficient to bridge all divisions and to correct every flaw.

Differences over the importance of sovereignty, the status of socioeconomic rights, and the ultimate question of implementation lurked just beneath the surface of many discussions, at various times threatening the whole enterprise. The eruption of war in the Middle East, South Asia, and elsewhere, and the plight of the resulting refugees, underscored the salience of human rights considerations — but also reminded delegates that rhetorical commitments unmatched by action would be futile. Some have numbered among the Declaration's weaknesses its emphasis on rights and its relegation of companion duties to one of the final articles, where it risks appearing as an afterthought. As it happens, this placement was due to a last-minute change proposed by the Chinese delegate. John Humphrey saw this as a lapse, as no one had been more attentive than Zhang Pengjun to the need to balance rights with duties.

Time pressures may also have been responsible for the diplomatic failure that resulted in the Saudi Arabian abstention in the final vote on the UDHR. Citing the historical crusades and more recent proselytizing by missionaries, the Saudi delegate objected to the phrase "freedom to change religion" and withheld support from the Declaration. The fact that a few years later, in the context of negotiating a legally binding treaty, the same Saudi representative agreed to the somewhat more nuanced phrase "freedom to adopt a religion" suggests that greater diplomatic effort in 1948 might have secured the Saudi vote and eliminated one source of

© AP Images/Eugene Hoshiko

Masked human rights protestors in Cebu, Philippines, on Human Rights Day, December 10, 2006.

cultural ambivalence about the Declaration. Finally, the Declaration's failure explicitly to address minority rights may have owed to the tensions brewing between the Soviet Union and Yugoslavia. The Soviets rarely bypassed an opportunity to expose heinous racial practices and inequities in the United States, but they were unwilling to push the principle of nondiscrimination when its application came closer to home. Notably, and regrettably, many delegations focused more intently on the failings of their political adversaries than on practices in their own country, a tendency as evident among small states as among their more powerful counterparts.

The Tasks Ahead

Such political considerations inevitably slowed the work of the Human Rights Commission, which had set out in 1946 to develop a binding legal instrument and an implementation mechanism alongside the Declaration. Completing those additional tasks ultimately required 18 more years. In the interim, U.N. member states reluctantly agreed to create two treaties rather than one, separating civil and political rights from social, cultural, and economic rights, each with its own implementation machinery. By the time the two treaties (or covenants) were ready for approval, the U.N. membership had grown to more than 100 states and political dynamics had changed. In the early years of these negotiations, as many as half of member states had advocated strong enforcement mechanisms, but by the mid-1960s, rising concerns about intervention and sovereignty instead often took precedence. Proposals to permit individual and NGO complaints, authorize U.N. investigations, or refer issues to the International Court of Justice were all abandoned. Instead, two standing committees, or "treaty bodies," were established to monitor human rights performance through periodic reports submitted by the states that ratified the covenants.

To anyone who tracked the full 20-year negotiation process, the disparity between early aspirations and eventual results was abundantly evident. An optional protocol attached to the covenant on civil and political rights did create an opportunity for states to provide a complaint mechanism for their citizens, but this was not the robust enforcement machinery many had envisioned at the outset. The UDHR project did not fulfill optimists' dreams, but it has exceeded the expectations of the pessimists. When the texts of the two covenants were forwarded to the General Assembly in 1966, the votes were unanimous. This time no state abstained or opposed.

U.N. member states have since reaffirmed their commitment to the Universal Declaration at a 1993 world conference on human rights, and more than 150 countries have ratified the two covenants. Collectively, these three documents — the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Social, Economic, and Cultural Rights — are informally called the International Bill of Rights. Together, they form the bedrock of international human rights law. ■

The opinions expressed in this article do not necessarily reflect the views or policies of the U.S. government.

Charles Habib Malik: A Profile

© U.N. Photo/Yutaka Nagata

Charles Habib Malik addresses the United Nations General Assembly on the 20th anniversary of the proclamation of the Universal Declaration of Human Rights.

Charles Habib Malik was born in 1906 in Btirran, Al-Koura, Lebanon. He graduated from the American University of Beirut in 1927 and received a doctorate from Harvard University in 1937. After teaching philosophy, math, and physics for eight years at his alma mater in Beirut, Malik began his diplomatic service, first as a minister and later ambassador to the United Nations. As Lebanon's chief delegate to the San Francisco conference that drafted the U.N. Charter, Malik signed the document on behalf of his nation.

While the charter's stated purposes included "promoting and encouraging respect for human rights," it lacked a universally accepted description of those rights. Before the United Nations could safeguard human rights, it had to define them. It was decided that a permanent Commission on Human Rights would devote itself to the issue. Malik was chosen as the commission's first rapporteur.

Malik's was an important voice as the commission contemplated key provisions of what would become the Universal Declaration of Human Rights. His debates with China's Zhang Pengjun over the role that natural rights should play in the document represented a high point in international discourse. Malik made important contributions to the UDHR's conceptual framework, including the decision to define economic and social rights with sufficient breadth so as not to trample on the sovereignty of nations.

Malik's expertise grew in importance as the proposed declaration moved from the drafting committee to the Human Rights Commission and then to the full General Assembly, which assigned consideration to its Third Committee, responsible for social, humanitarian, and cultural affairs. Malik presided over the committee deliberations. "We were fortunate in having Charles Malik in the chair," wrote John Humphrey, director of the U.N. Secretariat's Division of Human Rights, in his memoirs. "He was familiar with the legislative history of the document."

As secretary of the Commission on Human Rights, Malik was intimately familiar with every aspect of the Universal Declaration. He worked hard to convey the Declaration's ideals to the Third Committee. But with delegates pouring over each and every word, the declaration almost failed to reach the General Assembly. The Third Committee met for more than 80 sessions and debated 168 amendments. The committee finally approved the draft with just one week remaining in the General Assembly session.

Malik introduced the declaration to the General Assembly in a hall filled with delegates, reporters, and onlookers:

Thousands of minds and hands have helped in its formation. Every member of the United Nations has solemnly pledged itself to achieve respect for and observance of human rights. But, precisely what these rights are we were

never told before, either in the Charter or in any other national instrument. This is the first time the principles of human rights and fundamental freedoms are spelled out authoritatively and in precise detail. I now know what my government pledged itself to promote, achieve, and observe. … I can agitate against my government, and if she does not fulfill her pledge, I shall have and feel the moral support of the entire world."

After Universal Declaration was passed, Malik remained at the United Nations as ambassador from Lebanon. When Eleanor Roosevelt stepped down as chair of the Human Rights Commission, she suggested Malik as her replacement. He held the post for a year. Malik also represented Lebanon as ambassador to the United States from 1953 to 1955. As Lebanon's U.N. representative, he served as president of the Security Council in January 1954, and in 1958 he was president of the 13th session of the General Assembly.

In addition to his work at the United Nations, Malik was very much involved in public service in Lebanon. He served as the minister of foreign affairs from 1956 to 1958 and as the minister of national education and fine arts. He was also a member of parliament.

After many years as diplomat and public servant, Malik returned to teaching at the American University of Beirut in 1960. He traveled as a visiting lecturer and distinguished professor at various college and universities abroad. Malik received no fewer than 50 honorary degrees from institutions in the United States, Canada, and Europe. He died in 1987. ■

—Meghan Loftus

Inventing Human Rights: An Empathetic Understanding

Lynn Hunt

© Erich Lessing/Art Resources, NY

Representation of the French Declaration of the Rights of Man and the Citizen.

Lynn Hunt is Eugen Weber Professor of Modern European History at the University of California, Los Angeles. She has been a visiting professor at the Ecole des Hautes Etudes en Sciences Sociales, Beijing University, Utrecht and Amsterdam Universities, and the University of Ulster, Coleraine. Hunt was president of the American Historical Association in 2002 and is a fellow of the American Academy of Arts and Sciences and the American Philosophical Society. Her books include The New Cultural History *(1989);* The French Revolution and Human Rights: A Brief Documentary History *(1996);* Inventing Human Rights *(2007); and* Measuring Time, Making History *(2008).*

Before societies, nations, and peoples could recognize and defend the fundamental rights of others, individuals had to develop an internal empathy for the individuality and even the bodily integrity of others. Artistic developments in 18th-century France and elsewhere in Europe helped to spark an understanding of and political commitment to human rights as we know them today.

Human Rights Defined

Human rights require three interlocking qualities: Rights must be *natural* (inherent in human beings), *equal* (the same for everyone), and *universal* (applicable everywhere). All humans everywhere in the world must possess them equally and only because of their status as human beings. Human rights become meaningful,

© Philip Mould Ltd, London/The Bridgeman Art Library

© Réunion des Musées Nationaux/Art Resource, NY

This 17th-century painting of a royal prince by Daniel Mytens (left) lacks individuality. Artists later came to choose more diverse subjects and to portray more distinctly their individual characteristics, as in this 1804 portrait by Pierre-Paul Prud'hon.

however, only when they gain political content. They are not the rights of humans in a state of nature; they are the rights of humans in society. They are guaranteed by secular laws and constitutions (even if we sometimes call human rights "sacred"), and they require active participation from those who hold them. Rights are not granted; they are claimed.

The equality, universality, and naturalness of rights first gained direct political expression in the American Declaration of Independence of 1776 and the French Declaration of the Rights of Man and Citizen of 1789. While the English Bill of Rights of 1689 had referred to "ancient rights and liberties," it did not declare them equal, universal, or natural. In contrast, the Declaration of Independence insisted that "all Men are created equal" and that all of them possess "unalienable rights." Similarly, the Declaration of the Rights of Man and Citizen proclaimed that "men are born and remain free and equal in rights." Not French men, not white men, not Catholics, but "men," which then as now means not just males but all members of the human race. In other words, some time between 1689 and 1776, rights that had been viewed most often as belonging only to particular people — freeborn English men, for example — were transformed into human rights, universal natural rights, what the French called "the rights of man."

The American and French declarations each claimed to identify rights inherent to the state of being a human being. As Thomas Jefferson, principal author of the Declaration of Independence, wrote: "We hold these truths to be self-evident." The Universal Declaration of Human Rights adopts a more legalistic tone but makes essentially the same claim: "WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world, …" In this formulation, "whereas" means "it being the fact that," and the rights that follow accordingly are givens, or, in Jeffersonian terms, self-evident.

This claim, crucial if human rights are truly universal,

gives rise to a paradox: If equality of rights is so self-evident, then why did this assertion have to made and why was it made only in specific times and places? How can human rights be universal if they are not universally recognized? Can they be "self-evident" when scholars have argued for more than 200 years about Jefferson's precise meaning? Debate will continue forever because Jefferson never explained his reasoning — and if he had, there still would be the objection that an assertion requiring justification is not self-evident.

Human rights are difficult to pin down because their inherent claim of self-evidence relies ultimately on an emotional appeal — effective only if it strikes a chord within each person. We thus know that a human right is at issue when we feel horrified by its violation. In 1755, the influential French Enlightenment writer Denis Diderot deemed natural right a term "so familiar that there is almost no one who would not be convinced inside himself that the thing is obviously known to him. This interior feeling is common both to the philosopher and to the man who has not reflected at all." Diderot had put his finger on the most important quality of human rights: a widely shared "interior feeling." Human rights are not just a doctrine formulated in documents. They rest on a disposition toward other people and a set of convictions about what people are like.

© Bettmann/CORBIS

A Huguenot (French Protestant) is tortured for her religious beliefs in prerevolutionary France.

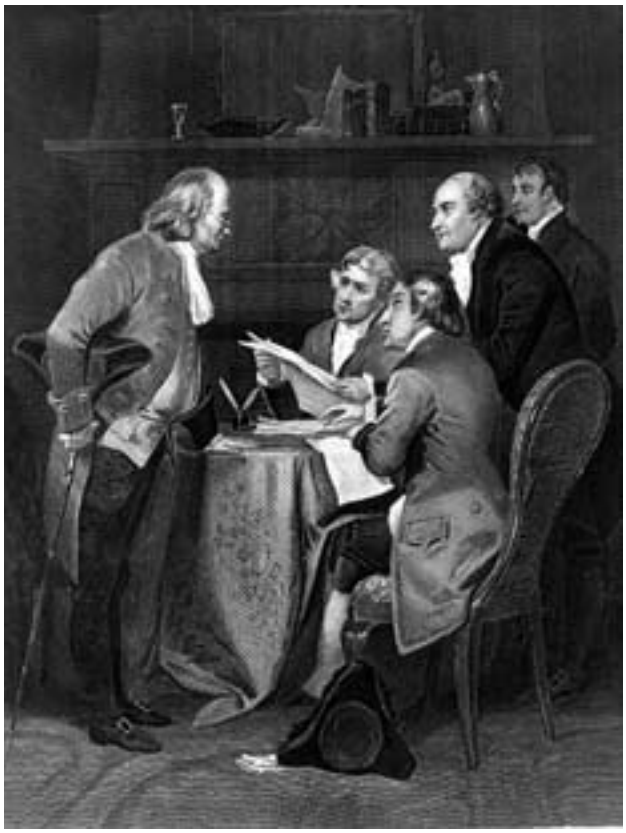
A New View of the Individual

Human rights are grounded in new assumptions about individual autonomy. Before they could possess human rights, people first had to be perceived as separate individuals capable of exercising independent moral judgment. Becoming members of a political community grounded in those independent moral judgments required of individuals the capacity to empathize with others. Everyone would have rights only if everyone could be seen as in some fundamental way alike. Equality was not just an abstract concept or a political slogan. It had to be internalized in some fashion.

While today we take for granted these ideas of autonomy, equality, and human rights, they only began to gain influence in the 18th century. Until then, all "people" were not imagined morally autonomous, a state that required both the ability to reason and the independence to decide for oneself. Children and the insane were understood to lack the former, although they might some day gain or regain the power of reason. Like children, slaves, servants, the propertyless, and women all lacked the required independence. Children, servants, the propertyless, and perhaps even slaves might one day become autonomous: by growing up, by leaving service, by acquiring property, or by purchasing their freedom. Women alone seemed not to have any of these options because they were defined as inherently dependent on either their fathers or their husbands. If the proponents of universal, equal, and natural human rights automatically excluded some categories of people, it was primarily because they viewed them as less than fully capable of moral autonomy.

Yet the newfound power of empathy could work against even the longest held prejudices. In 1791, the French revolutionary government granted equal rights to Jews; in 1792, men without property were enfranchised; and in 1794, the French government officially abolished slavery. Empathy and acceptance of individual autonomy thus were skills that could be learned, and long-accepted limitations on rights could be — and were — challenged.

Autonomy and empathy are cultural practices, not just ideas, and they are therefore quite literally embodied,



© AP Images

Benjamin Franklin and Thomas Jefferson (first and second from left) were among the drafters of the U.S. Declaration of Independence.

that is, they have physical as well as emotional dimensions. Individual autonomy hinges on an increasing sense of the separation and sacredness of human bodies: Your body is yours and my body is mine, and we both should respect the boundaries between each other's bodies. Empathy depends on the recognition that others feel and think as we do, that our inner feelings are alike in some fundamental fashion. To be autonomous, a person must be recognized as legitimately separate and protected in his or her separation, but to have human rights, a person's selfhood must be appreciated in some more emotional fashion. Human rights depend on both self-possession and on the recognition that all others are equally self-possessed. It is the incomplete development of the latter that gives rise to inequality and opens the door to abuse of human rights.

Autonomy and empathy did not materialize out of thin air in the 18th century; they had deep roots. Over several centuries, Europeans partially detached themselves from the webs of traditional communities and grew in legal and psychological independence. One result was a greater respect for bodily integrity, clearer lines of demarcation between individual bodies, and a growing sense of bodily decorum. Over time, people began to sleep alone or only with a spouse. They used utensils to eat and began to consider repulsive previously acceptable behavior such as throwing food on the floor or wiping bodily excretions on clothing. The absolute authority of fathers over their children was questioned.

A New Psychology

The long-term evolution of "selfhood" quickened in the second half of the 18th century, a development reflected in aspects of life from the arts to the law. Audiences started watching theatrical performances or listening to music in silence. Portraiture and genre painting challenged the dominance of the great mythological and historical canvases of academic painting. Where European painting had most often depicted the bodies of rulers and religious figures, portraits of ordinary people in London and Paris increasingly came to the fore. By the second half of the 18th century, these portraits often depicted their subjects less as types or illustrative of allegories of virtues or wealth, and instead stressed their subjects' psychological and physiognomical individuality. The very proliferation of individual likenesses encouraged the view that each person was an individual — that is, single, separate, distinctive, and original — and therefore should be depicted as such.

Eighteenth-century French literature similarly opened up its readers to a new form of empathy. The rise of the epistolary novel (comprised of letters mailed between characters) encouraged a highly charged identification with the characters and, in so doing, enabled readers to empathize across class, sex, and national lines. Newspapers similarly proliferated, making the stories of ordinary lives accessible to a wide audience.

These developments helped to instill a new psychology and, in the process, laid the foundations for a new social and political order, one in which the notions of bodily integrity and empathetic selfhood are intimately related to the development and acceptance of human rights. In both areas, changes in previously accepted views seem to happen all at once in the mid-18th century.

Consider, for example, torture. Between 1700 and 1750, most uses of the word "torture" in French referred to the difficulties a writer had in finding a felicitous expression. Torture as it was then understood — the

legally authorized infliction of severe physical pain as a means of extracting confessions of guilt or names of accomplices — became a major issue after the political philosopher Montesquieu attacked the practice in his *Spirit of Laws* (1748). In one of his most influential passages, Montesquieu insists that "so many clever people and so many men of genius have written against this practice [judicial torture] that I dare not speak after them." Then he goes on rather enigmatically to add, "I was going to say that it might be suitable for despotic government, where everything inspiring fear enters more into the springs of government; I was going to say that slaves among the Greeks and Romans. ... But I hear the voice of nature crying out against me." Here, too, self-evidence — "the voice of nature crying out" — grounds the argument. After Montesquieu, Voltaire and many others, especially the Italian Cesare Beccaria, would join the campaign. By the 1780s, the abolition of torture and barbarous forms of corporal punishment had become essential articles in the new human rights doctrine.

While the modern trend has been toward further expansion of human rights — a trend advanced by the Universal Declaration of Human Rights and other instruments of international law — our sense of who has rights and what those rights are ultimately is grounded in our informed empathy for others. The human rights revolution is by definition ongoing. By understanding how that revolution began, we can better understand and live up to its great promise. ■

The opinions expressed in this article do not necessarily reflect the views or policies of the U.S. government.

Zhang Pengjun: A Profile

© U.N. Photo/AF

Zhang Pengjun (right) in 1950. Zhang mediated many disputes during the drafting of the Universal Declaration.

Zhang Pengjun was a master of compromise. Relying on his extensive knowledge of Confucian philosophy, the Chinese diplomat facilitated deals at critical moments during the drafting process for the Universal Declaration of Human Rights. Many times, his advice kept the document alive.

Born in China in 1892, Zhang received a combination of Western and Chinese education. He attended middle school and secondary school in China, then traveled to the United States in 1910 to attend Clark University in Worcester, Massachusetts. He continued his studies at Columbia University, receiving two master's degrees in 1915 — one in graduate studies and the other in education. Returning to China, he taught at Nankai Middle School and was acting president there. Zhang also assisted his brother in establishing Nankai University, a private institution.

Zhang briefly came back to the United States to complete a doctorate at Columbia, then returned to China where he continued to serve as a teacher and administrator. He was a professor of philosophy, acting president of Nankai University, and held visiting professorships at the University of Chicago, the Chicago Art Institute, the University of Hawaii, Cambridge University, and Columbia.

Zhang was also an active author and playwright. Two of his plays were staged in New York City, and throughout his life he translated Western plays into Chinese and directed productions in China and abroad.

An educator at heart, Zhang became involved in foreign affairs. His diplomatic career took him to Turkey, Chile, and England, before moving to the United Nations. There, he was appointed China's chief delegate to the U.N. Economic, Social, and Cultural Council in 1946.

Zhang later became a vice-chair of the U.N. Commission on Human Rights. Irrespective of differences, he thought all countries could unite behind a shared goal of human rights. "The fact that [the] rights of man were included in 35 or 40 of the world's constitutions indicated that a large measure of agreement was possible in spite of differences of philosophy or ideology," Zhang said in a speech to the United Nations Educational, Scientific, and Cultural Organization.

Zhang frequently, and successfully, mediated disputes during the drafting of the Universal Declaration. Many times he saved the commission from a stalemate. "He was a master of the art of compromise and, under cover of a quotation from Confucius, would often provide the formula which made it possible for the commission to escape from some impasse," said John Humphrey, the U.N.'s first director of the Division of Human Rights.

One such instance was over the issue of UDHR enforcement. Would the Declaration amend or overrule the U.N. Charter? Or would all member states have to ratify the UDHR, thereby making it binding international law? Zhang proposed a compromise: Member states would ratify separately the Declaration, a legally binding convention (later adopted as the International Covenant on Civil and Political Rights), and a method of implementation (the Optional Protocol to the Covenant on Civil and Political Rights). His solution protected the integrity of the Universal Declaration while respecting the sovereignty of member states.

"In the field of human rights [the] popular majority should not be forgotten," Zhang said. He wanted the Universal Declaration to reflect the rich and varied cultures that it would ultimately represent. He also believed that the UDHR should be accessible to all peoples. "It should be a document for all men everywhere, not just lawyers and scholars," he said.

With these points in mind, Zhang was a leading force in the debates on the UDHR. "In intellectual stature he [Zhang] towers over any other member of the committee," John Humphrey wrote in his diary. Zhang drew heavily on his background in Confucian philosophy. He suggested *ren*, "two-man-mindedness" or compassion, for inclusion in the document. "Stress should be laid upon the human aspect of human rights," said Zhang. "A human being had to be constantly conscious of other men, in whose society he lived."

Upon the UDHR's passage, the U.N. General Assembly voted immediately to distribute the Declaration to every person in every place, using any means available. Copies sold out almost instantaneously. The Universal Declaration eventually became the most translated single document in history. Zhang's vision of an accessible document became reality.

Zhang died in 1957. He did not live to see the adoption of the subsequent International Covenants on Human Rights, which made the UDHR binding and were part of his solution for enforcing human rights around the world. ■

—Meghan Loftus

Relativity and the Universal Declaration

Jack Donnelly

© Hulton-Deutsch Collection/CORBIS

Every culture values human rights. Here, British activists demonstrate in 1964 for equal pay for women.

Jack Donnelly is the Andrew Mellon Professor at the Joseph Korbel School of International Studies, University of Denver. The author of three books and more than 60 articles and book chapters on the theory and practice of human rights, including Universal Human Rights in Theory and Practice, *2nd ed. (2003), Donnelly is best known for work on the concept of human rights, cultural relativism, development and human rights, international human rights regimes, and human rights and foreign policy. He has lectured and taught extensively in the Americas, Europe, and Asia, and his work has been translated into 10 languages.*

This publication celebrates the 60th anniversary of the *Universal* Declaration of Human Rights. The Vienna Declaration and Programme of Action of the 1993 World Human Rights Conference authoritatively proclaimed that "the universal nature of these rights and freedoms is beyond question." What exactly, though, does it mean to say that human rights are "universal"?

The six leading international human rights treaties (on economic, social, and cultural rights; civil and political rights; racial discrimination; discrimination against women; torture; and the rights of the child) have been ratified, and thus voluntarily accepted as binding by, on average, more than 85 percent of the world's states. Practice often falls short of profession. Nonetheless, almost all states in all parts of the world acknowledge a duty to respect the human rights of their citizens — no matter how frequently they give in to the temptation to do otherwise.

There is also a strong overlapping cross-cultural consensus on human rights. Gandhi helped turn Hindu values to the support of human rights, reversing the

© Pallav Pant/Majority World

Nepalese women of the Badi community demonstrate against their government's failure to protect their human rights in 2007.

traditional emphasis on caste as a source of unbridgeable categorical difference between groups of human beings. Muslim scholars and activists from across the political spectrum have for many decades interpreted internationally recognized human rights as a contemporary expression of Quranic social and political values. Scholars in China and Korea have begun exploring Confucian foundations for internationally recognized human rights. Western philosophies that once were hostile to human rights, such as utilitarianism, now generally are interpreted to support human rights. Socialists no less than liberals, atheists no less than Christians, Jews, and Buddhists, and those from many, many other traditions as well have, from very different starting points, converged on endorsing the rights in the Universal Declaration. And those few who still reject equal and inalienable universal human rights — for example, racists and fundamentalist religious fanatics in all areas of the world — are almost universally looked down upon by the majority of their fellow citizens.

Why Human Rights Are Universal

Human rights are based on a commitment to equality and autonomy that allows, even encourages, multiple paths to universal human rights. But much as all roads in the Mediterranean world once led to Rome, so today every major culture in our increasingly globalized world finds itself led to the Universal Declaration. Human rights are universal today because people pretty much everywhere, when given the chance to choose freely, have chosen, and continue to choose, human rights.

Such choices are neither accidental nor merely fashionable, or, at root, an expression of hegemonic power. Rather, internationally recognized human rights have proven themselves in practice to be the best mechanism yet devised by human ingenuity to protect people against certain standard threats to their dignity posed by modern markets and modern states. Human rights — the idea that individuals, simply because they are human beings, possess equal and inalienable rights that can be exercised against the state and society — first emerged in the modern West when individuals, families, and communities came to suffer under the intrusions of increasingly powerful bureaucratic states and the dislocations and indignities caused by unregulated markets. And the particular substance of our list of human rights has also been decisively shaped by historic encounters with states and markets. With the spread of sovereign states across the globe, especially following decolonization, and as global markets have expanded and deepened their reach, people in other regions also came to perceive comparable threats to their interests and dignity. They similarly have chosen the protections of human rights.

As in the West, other principles of government have also been tried, most notably dictatorships ostensibly committed to rapid national development. Those alternatives, however, have almost universally failed, often with tragic, even horrible, consequences for the safety, rights, and dignity of ordinary citizens. The increasingly universal contemporary embrace of human rights reflects the demonstrated failure of the leading alternatives to protect people against nearly universal threats. Until we find better mechanisms to rule ourselves politically and to distribute equitably the fruits of the market, there is a universal need for human rights.

© Underwood & Underwood/CORBIS

Mahatma Gandhi is cheered by "mill lassies" outside Greenfield Mill in Lancashire, England, in 1931. Gandhi was studying labor conditions in the region.

The universality of internationally recognized human rights, however, does not extend to implementation and enforcement. International law establishes a system of national implementation of international human rights. Sovereign territorial states have allowed an extensive system of official and unofficial international monitoring but have retained for themselves the sovereign right to implement human rights largely as they see fit. (Armed humanitarian intervention against genocide is the fragile exception that proves the rule.) We possess human rights universally, simply because we are human beings. We enjoy them largely as citizens or residents of states. The practical fate of human rights is thus deeply relative to where one has the fortune or misfortune to live.

Implementation: Guidelines and Details

The Universal Declaration also establishes a limited but vital relativity of implementation. For example, Article 3 reads, in its entirety: "Everyone has the right to life, liberty, and security of person." Such broad guidelines require both interpretation and implementation, allowing considerable space for cultural, regional, and local diversity. Universal human rights are neither a recipe nor a mathematical formula. Rather, they identify a set of destinations, point in the directions that lead to them, but leave the details of the journey largely to local debate and political contestation — although it must also be emphasized that these national debates take place within limits set by the international consensus represented by the substantial body of international human rights law.

What, then, of familiar arguments that, for example, "Asian values," "African values," or "Islamic values" are fundamentally different? Over more than 25 years of writing, teaching, and lecturing, I have found little support for such claims at the level of generality of the Universal Declaration. When the question of culture arises, as it invariably does when I lecture or teach abroad, I ask my audience which four rights in the Universal Declaration their culture rejects. I have never found an audience that seriously advanced objections to more than parts of three articles.

For example, many traditional cultures disagree to varying degrees with the provision of Article 16 that men and women "are entitled to equal rights as to marriage, during marriage, and at its dissolution." This, though, is a secondary provision of the article, which begins: "Men and women of full age … have the right to marry and to found a family." There is no more universally endorsed right in the Declaration. And even such limited disagreements are rare.

The UDHR offers much space for intense disagreements over details. Is pornography protected speech? Does the death penalty violate the right to life? What exactly is implied, at any given level of economic development, by the claim in Article 25 that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family"? There is little real disagreement, however, over the basics. Who really believes that their culture allows their government to torture them, to force a religion on them, or to permit their children to die from hunger or poor medical care? I, at least, have not encountered such people. We must not confuse what oppressed people have been forced to tolerate with what they value and aspire to. Although many have been — and continue to be — forced to accept a wide range of violations of internationally recognized human rights, few consider them just, right, or honorable.

© AP Images/KEYSTONE/Sandro Campardo

A Bhutanese delegate listens to the proceedings at the first session of the United Nations Human Rights Council, headquartered in Geneva, Switzerland.

Even where appeals to radical cultural difference are well-intentioned (rather than inauthentic efforts by ruling elites to justify their domination), such arguments ignore the malleability of human cultures, which are always multivocal, contested, and evolving. Consider the West, where the first historically influential expressions of human rights emerged in the middle- and late-17th century. Western states for much of the preceding century fought immensely destructive internal and international wars of religion. Their explorations devastated native peoples in the Americas and laid the foundations for exploitation in Asia and Africa that culminated in the brutalities of 19th-century imperialism. At home, the divine right of kings deprived the vast majority of the subjects (not citizens) of those kings of even minimal dignities. And for literally centuries afterward, Western states denied women, racial, ethnic, and religious minorities, and the poor the most basic rights. Had anyone looked at the West in the mid-17th century, the cultural ground for human rights could hardly have seemed less hospitable. Yet the West has become transformed into a world of rights-protective liberal democratic welfare states.

If the Europe of racism, sexism, religious intolerance, imperialism, and aristocratic domination succeeded by brutal class rule could be so transformed, it is hard to imagine that any society lacks the internal cultural resources to change itself similarly. And such a transformation need not be extended over generations or centuries. In most of Europe, it came only in the past century; in most countries, primarily after World War II; in many, even more recently than that. Thus it is hardly surprising that in all regions of the world we have witnessed substantial, often dramatic, sometimes

even stunning progress toward humane, rights-protective governments and societies. Nor is it at all surprising that these changes have received the increasingly enthusiastic endorsement of most of the world's leading philosophies, religions, and cultural traditions.

Beyond the Differences

Cultures are immensely flexible. Although core values do tend to persist over extended periods of time, those values, as the Western example illustrates, can surprisingly be easily associated with radically different social practices: racism no less than equality; self-determination no less than imperialism. Virtually every culture for most of its past has engaged in practices that today we would consider gross and systematic violations of human rights. But just as this did not stop Europeans from responding to new circumstances with the new practices of human rights, Asian countries such as Japan, South Korea, India, and Indonesia, African countries including South Africa, Nigeria, and Kenya, and most of the countries of Latin America have in recent decades responded to the challenges they have faced by endorsing the rights enumerated in the Universal Declaration.

None of this need mean the loss of local culture — any more than the West lost its culture as it gradually transformed itself from leading violator to leading example of and advocate for human rights. No people is less true to its cultural heritage because it commits to respect human rights. Canadians today are no less Canadian because they practice human rights, nor are Mexicans any less Mexican. Quite the contrary, they consider themselves more faithful to their deepest values because they have learned and struggled to express those values in the practice of human rights.

There are indeed immense variations across the contemporary world, in culture, economic development, political system, and historical experience. The lesson of the past 60 years, however, is that these differences, whatever they may have meant in the past, today are not durably associated with opposition to internationally recognized human rights. Rather, as we have seen in country after country, in Latin America, Africa, Asia, and Europe alike, when people, after suffering under decades or centuries of oppressive misrule, are offered the opportunity to choose, they almost universally choose human rights — and see that choice as an expression of their deepest local values. ■

The opinions expressed in this article do not necessarily reflect the views or policies of the U.S. government.

René Cassin: A Profile

© AP Images

Nobel laureate René Cassin, pictured here in 1970, contributed much of the language that appears in the final version of the UDHR.

René Cassin was born in 1887 in Bayonne, France. He was educated at the Lyceé in Nice and at the University of Aix-en-Provence. In 1908 he received degrees in humanities and in law. He took first place in a competitive examination given by the university's law faculty, and in 1914 he earned a doctorate in juridical, economic, and social sciences.

Cassin began his legal career in 1909 at the Court of Paris and practiced there until he was called to fight in World War I. He served in the infantry and was severely wounded. So bad was his condition that the military doctors operated on Cassin only at the urgent pleas of his mother, who was a nurse at the field station where he was treated. Cassin survived, but the pain from his wounds would trouble him for the rest of his life.

"I avoided dealing with subjects of an avowedly political nature, even though the technical law of contracts and obligations is, of course, dominated by moral principles, notably that of good faith," said Cassin of his early professional life. But World War I changed his perceptions: "That war put its indelible and unmistakable stamp on me, as it did on many of my contemporaries."

Returning to civilian life, Cassin married and took up a position as a law professor at the University of Aix-en-Provence. In 1918 he founded the French Federation of Disabled War Veterans. In 1929 he became chair of fiscal and civil law at the University of Paris, where he remained until his retirement in 1960.

A firm believer in the ideals of the French Revolution, Cassin left France during World War II to serve as an advisor to Charles de Gaulle in London. He held numerous posts within the Free French government, including commissioner of public instruction.

Cassin represented France at the League of Nations, the predecessor to the United Nations, from 1924 to 1938 and at the Geneva Disarmament Conference of 1932-34. He was appointed a delegate to the United Nations in 1946 and was a founder of the United Nations Educational, Scientific, and Cultural Organization.

Cassin was a vice-chair of the first U.N. Commission on Human Rights and later its chairman. Though he was an international expert on human rights, Cassin recognized the difficult challenges ahead: "As a consequence of these hesitations and of the vague character of such innovations, the Commission on Human Rights itself had doubts from the beginning about its role and its functions in general."

The commission was given an outline prepared by the U.N. Secretariat as a starting point for modifying some of its articles, expanding others, and creating entirely new ones. Substantial parts of Cassin's draft became part of the final Universal Declaration of Human Rights. "As corollaries to the right of every individual to life and to full participation

in society, the Declaration incorporated in the list of human rights the right to work and a certain number of economic, social, and cultural rights," he said of the document.

Although the General Assembly's Third Committee (handling social, humanitarian, and cultural affairs) and the full General Assembly debated and revised the draft, much of Cassin's language survived the lengthy editorial process and remains in the document today. Upon the Universal Declaration's passage, Cassin remarked that it would provide a "beacon of hope for humanity."

Cassin, already regarded as one of the top international legal minds, was tapped again to serve his country and international juridical organizations. He was vice president of France's Council of State, the ultimate authority on administrative law cases. From 1960 to 1970, he served on his country's Constitutional Court, which rules on the constitutionality of laws passed by the legislature. In addition, he was president of the Court of Arbitration at The Hague and a member, and ultimately president, of the European Court of Human Rights at Strasbourg.

Cassin won the Nobel Prize for Peace in 1968. Marking the occasion, he said: "The time has come to proclaim that, for the establishment of peace and human dignity, each of us must work and fight to the last." Cassin died in Paris in 1976. ■

—Meghan Loftus

Additional Resources

Books, articles, and Web sites on the Universal Declaration of Human Rights

Books and Articles

Donnelly, Jack. *International Human Rights: Dilemmas in World Politics*. Boulder, CO: Westview Press, 2006.

Donnelly, Jack. *Universal Human Rights in Theory and Practice, second edition*. Ithaca, NY: Cornell University Press, 2002.

Glendon, Mary Ann. "Knowing the Universal Declaration of Human Rights." *Notre Dame Law Review*, vol. 73, no. 5 (May 1998): pp. 1153-1190.

Glendon, Mary Ann. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. New York, NY: Random House, 2001.

Horowitz, Shale, and Albrecht Schnabel, eds. *Human Rights and Societies in Transition: Causes, Consequences, Responses*. New York, NY: United Nations University Press, 2004.

Hunt, Lynn. *Inventing Human Rights: A History*. New York, NY: W. W. Norton and Company, 2007.

James, Stephen Andrew. *Universal Human Rights: Origins and Development*. New York, NY: LFB Scholarly Publishing, 2007.

Lauren, Paul Gordon. *The Evolution of International Human Rights: Visions Seen*. Philadelphia, PA: University of Pennsylvania Press, 2003.

Lyons, Gene M., and James Mayall, eds. *International Human Rights in the 21st Century: Protecting the Rights of Groups*. Lanham, MD: Rowman & Littlefield Publishers, 2003.

Morsink, Johannes. *Universal Declaration of Human Rights: Origins, Drafting and Intent*. Philadelphia, PA: University of Pennsylvania Press, 2000.

Nickel, James W. *Making Sense of Human Rights*. Malden, MA: Blackwell Publishers, 2007.

Normand, Roger. *Human Rights at the U.N.: The Political History of Universal Justice*. Bloomington, IN: Indiana University Press, 2008.

Power, Samantha, and Graham Allison, eds. *Realizing Human Rights: Moving From Inspiration to Impact*. New York, NY: St. Martin's Press, 2001.

Stone, Geoffrey R. *Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism*. New York, NY: W. W. Norton and Company, 2004.

Waltz, Susan. "Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights." *Third World Quarterly*, vol. 23, no. 3 (2002): pp. 437-448.

Waltz, Susan. "Universal Human Rights: The Contribution of Muslim States." *Human Rights Quarterly*, vol. 26, no. 4 (2004): pp. 799-844.

Waltz, Susan. "Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights." *Human Rights Quarterly,* vol. 23, no.1 (2001): pp. 44-72.

Wasserstrom, Jeffrey N., Lynn Hunt, and Marilyn B. Young, eds. *Human Rights and Revolutions*. Lanham, MD: Rowman & Littlefield Publishers, 2000.

Welch, Claude E. Jr., ed. *NGOs and Human Rights: Promise and Performance*. Philadelphia, PA: University of Pennsylvania Press, 2000.

Welch, Claude E. Jr. *Protecting Human Rights in Africa: Strategies and Roles of Non-Governmental Organizations*. Philadelphia, PA: University of Pennsylvania Press, 1995.

Internet Resources

Free and Equal: The Universal Declaration of Human Rights at 50
http://usinfo.state.gov/journals/itdhr/1098/ijde/ijde1098.htm

Human Rights in Brief
http://www.america.gov/media/pdf/books/0308_humanrights.pdf#popup

Human Rights: Defending Human Dignity
http://democracy.america.gov/democracy/rights/index.html

Human Rights and Constitutional Rights
http://www.huridocs.org/

HuriSearch, The Human Rights Search Engine
http://www.hurisearch.org

International Convention on Human Rights Research Project
http://draftinghumanrights.berkeley.edu/home

An Introduction to the History of International Human Rights Law
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1010489

Universal Declaration of Human Rights
A teaching tool from Columbia University containing the text, history, and influence of the Universal Declaration of Human Rights, biographies of the drafters, and videos of professors discussing the declaration.
http://ccnmtl.columbia.edu/projects/mmt/udhr/index.html

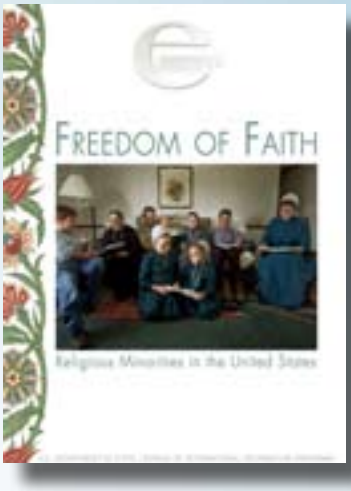
The Universal Declaration of Human Rights
The most comprehensive collection of translations of the Universal Declaration of Human Rights, in 337 different languages.
http://www.unhchr.ch/udhr/

University of Minnesota, Human Rights Library Links
http://www1.umn.edu/humanrts/links/links.htm

The U.S. Department of State assumes no responsibility for the content and availability of the resources listed above. All Internet links were active as of November 2008.

New home of eJOURNALUSA

http://www.america.gov



A
MONTHLY
JOURNAL
OFFERED IN
MULTIPLE
LANGUAGES