

THIRD EDITION



The Evolution of International

HUMAN RIGHTS

VISIONS SEEN

Paul Gordon Lauren

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Visions Seen

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PENN

University of Pennsylvania Press

Philadelphia

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Published by

University of Pennsylvania Press

Philadelphia, Pennsylvania 19104-4012

www.upenn.edu/pennpress

Printed in the United States of America on acid-free paper

10 9 8 7 6 5 4 3 2 1

Library of Congress Cataloging-in-Publication Data

Lauren, Paul Gordon.

The evolution of international human rights : visions seen / Paul
Gordon Lauren.—3rd ed.

p. cm.— (Pennsylvania studies in human rights)

Includes bibliographical references and index.

ISBN 978-0-8122-2138-1 (hardcover : alk. paper)

I. Human rights. I. Title.

JC571.L285 2011

323—dc22

2010017606

The Evolution of International Human Rights

Third Edition

Pennsylvania Studies in Human Rights

Bert Lockwood, Jr., Series Editor

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to my teachers

Acknowledgments

One of the most enjoyable pleasures for any author is the opportunity that publication provides to acknowledge the generosity, assistance, and insights shared by others along the way. Many individuals and institutions in many places around the world contributed much to this book, and I am delighted to express my sincere appreciation to:

Herman Burgers, a rare individual of deep conviction and wide experience in the field of international human rights, for first challenging me to write this book and then graciously providing penetrating comments and helpful assistance along the way.

Bert Lockwood, Jr., the insightful, energetic, and creative editor of *Human Rights Quarterly* and the Pennsylvania Studies on Human Rights, for first inviting me to write this book and giving all the encouragement, support, and guidance that anyone could possibly want.

The archivists and staff of the United Nations Archives in New York and Geneva; Archives de la Société des Nations et Collections Historiques, High Commissioner for Refugees, and Archives d'État in Geneva; U.S. National Archives and Manuscript Division of the Library of Congress in Washington, D.C.; British Public Record Office in London; National Archives of New Zealand in Wellington; Hoover Institution Archives at Stanford University; Franklin D. Roosevelt Library at Hyde Park; Ministère des Affaires étrangères and Archives nationales in Paris; Politisches Archiv des Auswärtiges Amtes in Bonn; Organization for Security and Cooperation in Europe (OSCE) in Prague; Rare Book and Manuscript Library of Columbia University and Leo Baeck Institute in New York; Council of Europe Archives in Strasbourg; and Diplomatic Record Office of the Japanese Ministry for Foreign Affairs in Tokyo for granting access to rare materials and archival collections.

The librarians at the Maureen and Mike Mansfield Library and the Law Library of the University of Montana, Bibliothèque des Nations Unies at the Palais des Nations in Geneva, Green Library at Stanford University, Hoover Institution Library, Butler

x Acknowledgments

Library at Columbia University, Library of Congress, New York Public Library, Nobel Institute, Dag Hammarskjöld Library at the United Nations, Suzzalo Library at the University of Washington, Alexander Turnbull Library, British Library, Bibliothèque nationale, Yliopiston Kirjasto and Oikeustieteellisen Tiedekunnan Kirjasto of the University of Helsinki, Massey University Library, Bibliothèque Publique et Universitaire de Genève, Library of the European Court of Human Rights, London School of Economics Library, University of Tokyo Library, Toyo University Library, Shanghai International Studies University Library, Columbus Memorial Library of the Organization of American States, and the Musée international de la Croix-Rouge et du Croissant-Rouge, for the use of resources and numerous courtesies.

The Rockefeller Foundation for an appointment as a Humanities Fellow, the Council for International Exchange of Scholars for an appointment as a Senior Fulbright Specialist and in cooperation with the U.S.-New Zealand Educational Foundation and the Fulbright Center of Finland for appointments as a Senior Fulbright Scholar, the Office of Research Administration and Department of History of the University of Montana, and the Tom and Ann Boone and John and Annie Hall endowments, for financial assistance.

Current and former staff members of the Office of the High Commissioner for Human Rights/Centre for Human Rights in Geneva, especially senior advisors Tom McCarthy and Zdzislaw Kedzia, Daniel Atchebro, Andrew Clapham, Fiona Blyth-Kubota, Jakob Moller, Bacre Waly Ndiaye, Anton Nikiforov, Laura Stryker-Cao, and Alfred De Zayas, for giving freely of their time to answer questions and provide invaluable insights about process and substance.

Those who graciously granted interviews, including Martti Ahtisaari, Colin Aikman, Carroll Bogert, Jimmy Carter, Frank Corner, Warren Hewitt, Jaakko Iloniemi, Clement John, the late Martin Luther King, Jr., Irène Kitsou-Milonas, Liu Binyan, J. M. Makatini, the late Mike Mansfield, Jan Mårtenson, Michael Pan, T. C. Ragachari, John Salzberg, Jerome Shestack, the late Clarence Streit, Yvonne Terlingen, Brian Urquart, Sandra Vogelgesang, and several who wish to remain anonymous, for sharing their vast experiences and perspectives on the world of international human rights.

Maurizio Cortiello, Sylvie Carlon-Riera, Anna Rey-Mermier, Jacques Oberson, and Maria del Mar Sanchez Moncho of Registry, Records, and Archives at the United Nations Office in Geneva; Marilla Guptil of the United Nations Archives in New York; Montserrat Canela Garayoa of the Records and Archives of the United Nations High Commissioner for Refugees; and Carol Davies, Salvatore Leggio, Nina Kriz Leneman, Gary Meixner, Pierre Pelou, Werner Simon, and Maggie Wachter of the Bibliothèque des Nations Unies; and Yukiyoshi Asami and Kazuhiro Takahashi of the Diplomatic Record Office of the Japanese Ministry of Foreign Affairs, for assistance in finding documentary needles in haystacks.

Colleagues, friends, and commentators Tunde Adeleke, Reza Afshari, George Andreopoulos, David Aronofsky, Dan Caldwell, Ann Marie Clark, Richard Pierre Claude,

the late Gordon A. Craig, Sally Cummings, Richard Drake, Asbjørn Eide, David Emmons, María José Falcón y Tella, Cees Flinterman, David Forsythe, Harry Fritz, the late Alexander George, Robert Greene, Forest Gieves, Kerry Howe, Anya Jabour, Mark Johnson, Darshan Kang, Jan Klabbers, Mehrdad Kia, Peter Koehn, Martti Koskenniemi, Ken Lockridge, James Lopach, J. Paul Martin, Leo Moser, Olatunde Ojo, Yunosuke Okura, Jody Pavilack, Ralph Pettman, Helge Pharo, Henry Sekyi, Tobin Shearer, Frederick Skinner, Anna-Lena Svensson-McCarthy, Ramesh Thakur, Howard Tolley, Richard Tuck, Nobuchika Urata, Philip Veerman, Hanne Hagtvedt Vik, Kyle Volk, Pamela Volkel, John R. Wallach, and Jay Winter, for sharing their expertise.

The Controller of Her Majesty's Stationery Office, the Director and Chief Archivist of the National Archives of New Zealand, and the Director of the Rare Book and Manuscript Library of Columbia University for granting permission to cite materials in their respective collections; and to Patricia Koo Tsien for authorizing the use of papers from her father, Wellington Koo.

Officials of the International Criminal Tribunal for the Former Yugoslavia in The Hague for the opportunity to witness some of the proceedings of the Slobodan Milosevic trial in person.

Nancy Flowers, Mark Fritch, Kirsi Haimi, Judy Horn, Amanda Johnson, Anne Kjelling, Kyu-Young Lee, Kath McChesney-Lape, Elsy Monsalve-Schmidt, Alice Nemcova, Michael Peluso, Diane Rapp, Joyce Rosenblum, the late Tu Baixiong, and Linda Wheeler, for offering various forms of assistance.

The Alaska Humanities Forum, Erik Castrén Institute of International Law and Human Rights, Center for Human Rights Leadership at Claremont McKenna College, Chou University, Columbia University Human Rights Seminar, Columbia University Center for the Study of Human Rights, Helsinki University, Hiroshima University, Hitotsubashi University, Institut Diplomatique of the Ministère des Affaires Étrangères in Algeria, Instituto de Derechos Humanos of Complutense University, Mentouri University, National Endowment for the Humanities and its Institute on Human Rights in Conflict, Nazareth Conference on Children's Rights and Religion at the Crossroads, Netherlands Institute of Human Rights (SIM), Nobel Institute, Pécs University, Penn State University, Pepperdine University, Stanford University, Texas A&M University, UNESCO, the United Nations University, University of Algiers, University of Oran Es-Senia, University of Oslo, Urban Morgan Institute for Human Rights, Utrecht University, Washington State University, World Affairs Council, and numerous local, national, and international human rights organizations, for opportunities to publicly address and evaluate issues raised in this book since it first appeared.

The Teaching Company for the opportunity to create one of their Great Courses entitled "The Rights of Man" based upon this book, and thereby reexamine its central ideas and themes.

xii Acknowledgments

The many readers, reviewers, students, faculty, officials, activists, and Peter Agree and Alison Anderson of the University of Pennsylvania Press, who through their gracious reactions and insightful comments enabled translations of this book that opened up a much wider global audience and encouraged me to write this third edition.

Sandy and Jeanne, Nick and George, Lauren, Alex, Jacob, Emma, Joshua, Andrew, and especially my wife Susan, for their constant and loving support.

Finally, I am grateful to all those who have taught me so much about human rights in so many different ways in so many different places, and am honored to dedicate this book to them.

What has been accomplished? This: we have kept a vision alive; we have held to a great ideal, we have established a continuity, and some day when unity and cooperation come, the importance of all these early steps will be recognized.

—W. E. B. Du Bois

Human rights were not a free gift. They were only won by long, hard struggle. . . . [R]espect for individual rights, when it passes from theory to practice, entails conflict with certain interests and the abolition of certain privileges. Men and women everywhere should be familiar with the dramatic incidents—well-known and obscure—of a conquest which has been largely achieved through the heroism of the noblest of their fellows.

—UNESCO

Contents

Acknowledgments	ix
Introduction: Visions and Visionaries	1
1. My Brother’s and Sister’s Keeper: Visions and the Origins of Human Rights	5
Religious Visions	6
Philosophical Visions	11
Traditional Practices and Ideas of a Very Different Sort	24
Visions—and Reality	32
2. To Protect Humanity and Defend Justice: Early International Efforts	43
To Free the Enslaved	44
To Assist the Exploited	54
To Care for the Wounded	66
To Protect the Persecuted	71
3. Entering the Twentieth Century: Visions, War, Revolutions, and Peacemaking	79
Modernization, Internationalization, and Visions of Rights	79
War, Revolutions, and Rights	88
Peacemaking and Human Rights	97
The Covenant: Rights Proclaimed and Rights Rejected	102
4. Opportunities and Challenges: Visions and Rights Between the Wars	109
A Flourishing of Visions	110
Opportunities for New Departures	116
Persistent Problems and Challenges	123
The Gathering Storm	129

viii Contents

5. A “People’s War”: The Crusade of World War II	137
War, Genocide, and Self-Reflections	138
Crusaders, Visions, and Proposals	147
Human Rights Versus National Sovereignty in Postwar Planning	154
Opposition from the Great Powers	159
6. A “People’s Peace”: Peace and a Charter with Human Rights	165
Insisting on a Peace with Rights	165
Politics and Diplomacy at the San Francisco Conference	175
The Charter of the United Nations	184
Differing Reactions and Assessments	190
7. Proclaiming a Vision: The Universal Declaration of Human Rights	195
The Revolution Begins	195
Challenging Questions of Philosophy	207
Difficult Problems of Politics	211
The Universal Declaration of Human Rights	219
8. Transforming Visions into Reality: The First Fifty Years of the Universal Declaration	227
Extending Rights and Setting Standards	228
Protecting Rights Through Implementation	242
Promoting Rights	249
Expanding Activities and Enhancing Rights	259
9. The Continuing Evolution	267
International Law, the Responsibility to Protect, and Challenges to Sovereignty	267
Globalization, Development, Terrorism—and Torture	274
New Human Rights Institutions and Organizations	278
Technology and Political Will	284
10. Toward the Future	289
The Nature and Power of Visions	289
People of Vision and Action	294
Forces and Events of Consequence	301
Process, Politics, and Perspective	305
The Universal Declaration of Human Rights	317
Notes	323
Selected Bibliography	375
Index	391
About the Author	415

Introduction: Visions and Visionaries

Do not make the mistake of thinking that a small group of thoughtful, committed people cannot change the world; indeed, it is the only thing that ever has.

—Margaret Mead

There are times when the visions seen of a world of possibilities provide a far better measure of a person's qualities and contributions than the immediate accomplishments of his or her lifetime. Visionary men and women who possess a capacity to see beyond the confines of what is or what has been, and to creatively dream or imagine what might be, sometimes have an impact that far transcends their own time and place. Indeed, visions of prophets, philosophers, and activists seen centuries ago in distant lands are still capable of capturing our imagination, inspiring our thoughts, and influencing our behavior today.

Among all these great visions, perhaps none have had a more profound impact than those of human rights. The reason is that they present something that none of us can ever escape. We cannot escape human rights because they address who we were—and who we are—as human beings. They force us to look at ourselves, at life, and at how we treat each other. They raise universal and controversial questions about the value of individual life, life lived with others, and what it means to be truly human. They make us confront what we believe about the relationship between rights and duties, our responsibilities to those who suffer, and the ultimate value of people different from ourselves. As such, human rights raise some of the most serious, painful, shocking, revolutionary, and hopeful features of the human condition itself, both in the past and in the contemporary world.

Throughout history, thoughtful and insightful visionaries in many different times, places, and circumstances have seen in their mind's eye a world in which they and others might enjoy freedom, dignity, and protection of their fundamental rights against those who would abuse them. Many believed that these rights belonged to all men, women, and children, inherited simply by virtue of being human beings born into the same human family. Nothing more, and most certainly nothing less. With this premise they have envisioned a world without borders that divide people from one another in which we all are entitled to receive just and equal treatment without any prejudice,

2 Introduction

discrimination, or persecution on the basis of gender, race, caste or class, religion, political opinion, ethnicity, nationality, or any other form of difference.

These visions did not evolve from any single society, political system, culture, geographical region, or manner. Some emerged out of religious belief, compassion, or a sense of duty to care for brothers and sisters suffering in distress. Others grew from philosophical discourse about the nature of humankind itself, natural rights, ethical limits on how we should treat one another, the appropriate powers of government, or the rule of law. Some came not from quiet contemplation or careful reflection, but rather from the heat of outrage generated by a passionate sense of individual or collective conscience over an injustice inflicted upon innocent or defenseless victims. Still others arose out of violence and pain from wars, revolutions, upheavals, or brutal atrocities. Over the centuries these cases have spanned the world, from Asia to Europe, from the Middle East to the Pacific, and from Africa to the Americas, and have involved exploitation, slavery, racial segregation and apartheid, oppression, gender and class discrimination, persecution of minorities, violence in times of war, torture, conquest, and the mass exterminations of genocide or “ethnic cleansing.” As one might expect, the responses to such wide-ranging abuses have evolved through time and have varied greatly depending on what was possible within their particular and specific historical contexts, with the result being not just one concept or school of thought, a single definition or mode of expression, or unified vision of human rights—but rather many visions.

Despite their differences of origin, purpose, meaning, applicability, or terminology, however, all these visions of human rights confronted powerful opposition and forces of resistance every step of the way. The reason can be simply stated: they all directly threatened those with power who refused to share it voluntarily, those with vested interests or prevailing prejudice who wanted special privilege, and those government leaders who hid behind the claims of national sovereignty and insisted that they were immune from ever being held accountable for any abuses they might commit. These visions challenged traditional authority and attempted to limit the arbitrary exercise of power. They repudiated ideas of superiority on the basis of gender or the color of skin, refused to accept the proposition that how a state treats its own people is its own business, and rejected the notion that the strong do what they can and the weak do what they must.

As such, these visions of human rights possessed the capacity to challenge, to generate fear, to hold out hope and inspire, and to change the world. This power was understood not only by those who held the visions—but by those who opposed them. Indeed, it is precisely for this reason that the visionaries discussed throughout this book invariably found themselves ridiculed as naive idealists or impractical dreamers, reviled and persecuted as traitors to their own exclusive group or nation, or even tortured and killed as dangerous revolutionaries bent upon destroying the established order.

Although confronted by formidable odds and forces aligned against them, these visions could not be extinguished and the visionaries who saw them refused to be silenced or to remain passive. They saw abuses as wrong, moved into action, and worked

to protect victims. Upheavals and revolutions in the eighteenth century and successes against slavery and the slave trade and for the rights of women and workers in the nineteenth century gave them hope. Horrors of the twentieth century gave them determination. The magnitude of suffering, brutality, and genocide during World War II, in particular, created a consciousness about the extremes of cruelty so horrendous, in the words of those who lived through it, as to “outrage the conscience of mankind.”¹ This awareness, when coupled with the demands of all those survivors who had been given promises about receiving their rights if they would only join in the crusade of war, created a force of global scale on behalf of international human rights that refused to be denied.

Determined postwar visionaries thus set out to champion the cause of international human rights as never before. They believed that they had a duty to care for their brothers and sisters in need; that respect for human rights would contribute to global security, peace and justice; and that victory in war provided a unique opportunity for action that could not be squandered. They thus established the Charter of the United Nations, announcing to the world that human rights henceforth would be a matter of international responsibility, and then created and proclaimed a bold vision “for all peoples and all nations” known as the Universal Declaration of Human Rights. Since then, a new generation of visionaries has picked up the torch and worked to extend freedom to literally millions of people, to establish universal standards, to create binding treaties with implementation mechanisms, to develop international criminal law and tribunals to hold abusers accountable, to provide access for individual victims to machinery of protection beyond their own borders, and to promote and enhance human rights in innumerable and innovative ways so as to help transform that vision into reality.

In this dynamic and ever-changing process, these visions and those who saw them began to transform the world. They knew when they started that for most people respect for human rights appeared as only a distant vision or remote dream. They knew that the overwhelming majority of all of those who ever lived and ever died in history had suffered under some form of human rights abuse. They knew that kings and emperors demanding obedience from their subjects ruled the earth, that traditional and hierarchical societies prevailed, that women were expected “to know their proper place,” and that human bondage and exploitation were regarded as part of “the natural order.” They knew that how governments treated their own people was viewed as a matter of exclusive domestic jurisdiction and one of the political and legal prerogatives of national sovereignty. In this setting, they knew that individual victims of abuse could seek no help beyond their own national governments or borders, and thus had always been forced to remain as objects of international pity rather than as subjects of international law, and suffered accordingly. They knew that they faced powerful resistance. They would come to understand that the relationship between history and human rights is complicated and that their efforts would never be uncontested, never follow a straight path or linear line of unbroken progress, and never be fully complete.

But despite all these obstacles, they refused to be deterred. Instead, they imagined a world that might be, and they believed that they could make a difference—and they

4 Introduction

did. As a result of their remarkable efforts, in the words of one former policy maker, human rights have become “the single most magnetic political idea of the contemporary time.”² Today they provide the mark by which modern politics and society are defined and play an exceedingly visible and viable role in the lives of individuals at the local grassroots level, the policies of national leaders, and the conduct of international relations. The global community is no longer willing to remain silent over systematic abuses, many victims have a voice and can seek protection, and there is not a government on the face of the earth that can ignore the impact of what is correctly described as “the universal culture of human rights.”³ One perceptive observer writes: “We are scarcely aware of the extent to which our moral imagination has been transformed since 1945 by the growth of a language and practice of moral universalism, expressed above all in a shared human rights culture.”⁴ Indeed, in the words of one authority, human rights have become “the moral lingua franca of our age.”⁵ The visions and the visionaries who courageously struggled to make this dramatic and radical transformation possible, and the powerful forces and events against which they fiercely struggled and with which they determinedly worked, provide the subject of this book.