

HUMAN RIGHTS

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Overview Explicit attention to human rights is a modern topic, emerging in the 18th century. And it has a number of complexities, particularly in terms of relationships between the West and much of the rest of the world. A world history approach hardly resolves these complexities, but it does clarify them.

“Prehistory” The idea of rights is fairly new, and Western – directed particularly at protecting the individual against the state. Hints of a rights idea show up, for example, in the English Magna Carta in 1215. In contrast, the Japanese did not have a word for rights until contact with the West in the 19th century: emphasis instead went to the importance of community cohesion and harmony. Yet many societies developed ideas that could be relevant to human rights, even before explicit expression. Law codes were a characteristic expression of civilizations from Babylonia onward, and while they did not talk in terms of rights they did seek to establish certain protections – for inheritance, for wives in families, for recourse in case of false testimony. Roman jurists would go a bit further, at least in theory, in discussing the laws of peoples – *ius gentium*; that is, legal principles that should apply to all human beings (and not just to privileged Roman citizens) just because they were human. The great religions sought to extend certain assurances at least for the faithful. Thus Islam worked to regulate aspects of slavery, and many religions urged against infanticide. All of this provided important foundations for human rights ideas. But the precedents also had limits. Though some religious authorities talked about religious freedom – in the Roman Empire for example – most religions ended up claiming special privilege. Law codes had some common elements, but they also differed from one area to the next. More widely, ingrained beliefs about inequalities – between lower class and upper class, between women and men – complicated the emergence of larger rights ideas.

The Early Modern Period With some precedents in Roman law, West European political thinkers developed a new interest in rights from the 17th century onward. This resulted above all from the conflicts within Christianity, which created new interest in religious freedom as an alternative, but also from disputes about royal authority in a period of absolute monarchy. John Locke and other theorists began talking of rights that no government could transcend – including freedom of property and expression as well as religion. Two other crucial themes would emerge in the 18th century. Led by the Italian Beccaria, Western rights thinking began to include the idea of limits on harsh punishments, torture, and possibly even capital punishment itself. And a new current of hostility to the institution of slavery developed, holding that no person had the right to claim ownership over another person. These ideas would build into a persistent, and unprecedented campaign against Atlantic slavery and then against slavery more generally. They also helped spur the wave of Atlantic revolutions that began in 1776. And it was from these revolutions that the first formal documents began to refer to rights of “all men” or the “rights of man and the citizen.” Undeniable problems of gender aside, and noting the fact that the term “human rights” awaited the 20th century, these political declarations mark the effective beginning of the human rights movement in world history.

The Long 19th Century After the French revolutionary era, liberal movements in Western Europe, North America and Latin America routinely worked to protect classic rights such as freedom of the press, religion, speech, and normally sought to curtail cruel punishments as well. Haiti’s revolution against slavery, in 1791, was quickly defined in human rights terms. Anti-slavery efforts won abolition of the slave trade and then progressive abolitions of slavery in the British colonies, the United States, Brazil and elsewhere. By the late 19th century the movement began to spread to Africa and ultimately the Middle East as well. Rights ideas, in other words, began to affect policy in various ways, and the geography of rights interests gradually expanded. Ideas of rights broadened as well. Initially in close association with anti-slavery, the idea of rights for women gained ground, particularly in the Western world; by the late 19th century inclusion of women was a fairly standard feature of rights advocacy. Some discussion also occurred over children’s rights, and particularly a “right” to education and decent treatment.

Limitations Limits on the human rights effort in the long 19th century were also important. Several societies introduced partial rights reforms, only to return to authoritarianism: this was true both in Russia and the Ottoman Empire, where some limited steps toward gains like freedom of the press were withdrawn after the 1870s or 1880s. Japan’s reform period included some rights steps, for example in proclaiming religious freedom, but also great concern about avoiding too much Western individualism. But probably the biggest constraint on rights in the long 19th century was Western imperialism itself. Imperialist rule might dismantle slave systems and venture a few other

reforms, but it was based on political control, not emancipation. Imperialist history was dotted with the imprisonments of political advocates, raising real questions about rights of any kind.

The Interwar Period The Soviet Union adopted human rights language in several respects, with particular attention to defining the right to education; though rights policy in practice was another matter. The League of Nations supported human rights discussions, though without firm commitments. Under the International Labor Organization efforts to limit child labor extended the idea of rights. But the interwar decades were disastrous for human rights in practice, particularly in Nazi Germany but also in the Soviet Union, in Japanese-occupied territory, and elsewhere.

Contemporary Developments Interwar experience helped fuel a much firmer commitment to human rights as part of the new United Nations, though there was some initial hesitation. The Universal Declaration of Human Rights was issued in 1948, with sweeping definitions including women's rights. At the same time many new constitutions, for example in Japan, now included human rights language. And the United Nations set up a human rights division. Soon thereafter, International Non-Governmental Organizations (INGOs) began to emphasize a global monitoring of rights abuses, headed by Amnesty International in 1961. Not all campaigns succeeded, but there were important successes in protecting political prisoners in parts of Latin America, protecting trade union leaders from arrest in Indonesia, and so on. The ultimately successful campaign against Apartheid, in South Africa, was another example of a combined local-international effort in the name of legal equality and human rights. The United Nations steadily expanded its human rights definitions, with several charters on women's rights specifically (including protection against involuntary marriage, rape, and trafficking), on children's rights (including rights against adult authority as well as opportunities for education). Human rights had become a significant factor in global relationships and global policies.

Contestation But the contemporary period also revealed sharp tensions over human rights, even aside from the fact that many constitutional provisions were not fully enforced. Many authoritarian governments worried about the activities of INGOs and often limited their activities or banned them altogether. Thus while human rights language figured prominently in the Arab Spring risings, several later regimes, as in Egypt, jailed or exiled many advocates. A larger debate pitted several leaders in parts of East Asia – particularly, from Singapore and China – against rights advocates elsewhere. The idea here was that rights definitions were too purely Western, and too individualistic; the East Asian tradition called for more emphasis on community rights and cohesion. Chinese leaders often urged that advances in economic prosperity and education were fundamental to real human wellbeing, as against the distraction of Western concepts. A related concern, in Africa as well as parts of Asia, was that human rights oversight had become simply a latter-day form of colonialism, an attempt by the West to claim superiority over other parts of the world in enforcing irrelevant standards. Recurrent attempts to shame Chinese leaders into greater right compliance, while it might produce a few gestures in the release of a political prisoner or two, actually may have heightened resistance to the more general human rights agenda. Finally, a constant trend in the West – to expand the range of human rights to include, for example, gay rights—often created yet another set of complications with countries for whom the notion was inconceivable. Battles, tensions, confusions over human rights had become another intriguing piece of the puzzle of contemporary globalization.

Sources

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Suggested Reading:

Human Rights in World History. By Peter N. Stearns (Routledge, 2012).

Inventing Human Rights: A History. By Lynn Hunt (W.W. Norton & Company, 2008).

The International Human Rights Movement: A History. By Aryeh Neier (Princeton University Press, 2013).

Discussion

1. What early developments contributed to early modern and modern concepts of human rights?
2. Is there a history of human rights before the Enlightenment?
3. How did scientific ideas impact human rights ideas?
4. What were the main gains and constraints in human rights efforts worldwide in the 19th century?
5. Was the universal declaration of human rights a Western creation? Why is this an important historical document and what was its impact on the world?
6. What separates the latter part of the contemporary period in this history of global rights?
7. How has globalization affected human rights in the contemporary period? What impact has this had on the nation and sovereignty?
8. What are the main regional differences over human rights in the contemporary world?