

## HUMAN RIGHTS IN HISTORY – 19<sup>th</sup> Century

### Contents

Introduction  
Atlantic Revolutions  
Abolitionism  
Latin America  
Liberalism and industrialization  
Feminism  
Imperialism  
Reform movements: Russia, Ottoman Empire, China, Japan

### INTRODUCTION

**Gains** The century and a half after the 1770s clearly constituted a foundational period for human rights in world history. Many key rights were explicitly enshrined in Western constitutions, and there were significant changes outside the West as well. Liberal political movements, not only in Europe but in Latin America, provided ongoing impetus for key human rights; and there were strong individual voices raised in other societies as well, for example around issues such as the treatment of women. Also important was the tendency to expand the rights domain beyond the areas emphasized in the Atlantic revolutions. The tentative addition of women's rights and voting rights were key examples, again particularly in the West. The rise of mass education was an intriguing change from a rights standpoint, extending the power of the state over what had been seen as a family domain and, along with labor laws, hinting at the possibility of children's rights. (A book on children's rights actually appeared in England in the 1790s, but it did not clearly define the rights involved.)

**Limitations** The most pervasive complication, during the same period, was the difficulty, for Western leaders, of really thinking in terms of *human* rights, given the power disparities and deep prejudices concerning societies in Asia and Africa. The blinders could affect the West itself. Thus the Chinese Exclusion Acts in the United States, from the 1880s onward, explicitly distinguished between Chinese and other immigrants, denying the former equal access. Racism also contributed to neglect of the rights of many former slaves, despite the resounding (and important) attack on slavery itself. Religion was another complication, particularly with religions – like official Catholicism – that did not themselves acknowledge equal rights. Thus both France and Germany struggled with debates over whether defense of rights required the state to oversee relations with the Church or whether a hands-off religious liberty was the best approach. Similar dilemmas occurred for liberals in Mexico and other parts of Latin America.

**Industrial revolution** As noted, the industrial revolution would raise huge rights issues. Increasingly visible abuses prompted limitations of property rights in the form of safety regulations and inspections, legal restrictions on the hours of work and other areas. The 1880s, initially in Germany, saw the advent of new types of social insurance; rights language was not yet used for innovations like accident or old age insurance, but a basis was being established. The whole issue of social rights in industrial societies was mainly left for later discussion, in the 20<sup>th</sup> century, but parts of the agenda were becoming clear.

**Nationality rights and “crimes against humanity”** Another issue taking shape in the later 19<sup>th</sup> century, but unresolved, involved defining and protecting the rights of various ethnic groups at a time of growing nationalism and, in some regions, new assertions of government authority. Persecution of minorities in Russia was a case in point. Growing Western attention was paid to problems in the Ottoman Empire, where the government was accused of mistreating minorities such as Bulgarians and Armenians. Stories in the Western press detailed (and sometimes exaggerated) stories of torture and slaughter. In the 1870s for example the Ottomans were accused of killing 30,000 Bulgarians (the actual figure was around 4000), in an attempt to put down unrest. British politicians, pressed by public opinion, began protesting in terms invoking “the moral sense of humanity at large”. A former prime minister intoned that the Ottomans had

inflicted “deep and lasting crimes against humanity”. Somewhat similar invocations were directed against the spate of lynchings of African Americans and Mexican Americans in the United States. The idea of a new kind of “world opinion” centered around the protection of minority and other rights around the globe was an interesting innovation that would be carried further in the later 20<sup>th</sup> century. Coming from centers like Britain, deeply involved in imperialist excesses, the problem of hypocrisy was also clearly in play.

**Global gaps** Developments in the long 19<sup>th</sup> century obviously differentiated the West from many other societies (including Western-held colonies), with Latin American patterns hovering somewhat in between. Human rights issues were more clearly identified and defined in the West than elsewhere, and at the same time claims of differentiation helped support Western beliefs in the superiority of their own civilization – an outlook that was not always healthy for global human rights, particularly given Western insistence on domination in its own colonies. The 19<sup>th</sup>-century legacy for regional interactions around human rights was deeply complex.

Study questions:

1. What was the relationship of the idea of “crimes against humanity” to the global human rights situation by the end of the 19<sup>th</sup> century?
2. What was the human rights problem posed by Catholicism? To what extent was it handled differently in the United States than in countries like France and Germany?
3. Why and how did human rights claims, once established, tend to expand into additional areas?
4. Which was more important in 19<sup>th</sup>-century world history: the advance of rights claims and actions, or the advance of racism?

Further reading:

Micheline Ishay, ed., *The Human Rights Reader* (Taylor and Francis, 2007).

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

## Age of Atlantic Revolutions

**The Great Revolutions** The two events that most clearly moved human rights from philosophical discussion to political reality – or at least a degree of political reality – were the American and French revolutions of the late 18<sup>th</sup> century. Both revolutions explicitly used rights language and – while not yet adding “human” rights – suggested that the innovations they sought were applicable to humanity, and not just the societies in question. Thus American revolutionaries in 1776 claimed as a “self-evident” truth that “all men are created equal” and that “they are endowed with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.”

**The Rights** The French Revolution of 1789 proclaimed the “Rights of Man and the Citizen” as one of the first steps in building a new society. The list was ambitious: equality under the law – no more aristocratic privilege; freedom of action so long as others were not damaged; rules over arrests and punishments with no penalty beyond what was “absolutely and obviously necessary”. Freedom of speech, including religious opinions, was hailed as “one of the most precious of the rights of man”. The French also insisted on the importance of citizenship for all, which some observers see as bedrock feature of human rights, parallel to equality under the law. The American Bill of Rights, added to the initial constitution at the insistence of many revolutionary leaders, similarly included freedoms of religion, speech, the press and peaceable assembly. Cruel and unusual punishments were banned. These revolutionary moves were without precedent.

**Causes** Pretty obviously, Enlightenment thinking about rights, and its popularization, had provided language for many people with grievances against the existing regime. Americans, annoyed by new British taxes on the colonies, thus talked of rights to participate in decisions of this sort. Many French had come to believe that they were seriously oppressed by both Church and monarchy as well as the legal privileges of the aristocracy. One of the early moves as the revolution took hold in Paris was the popular storming of the Bastille, a royal fort and prison in the center of town that was believed to hold large

numbers of political prisoners. In fact there were only seven, some of them imprisoned for debt, but the principle was clear.

**Complexities** The new regimes did not entirely follow their own principles. Most blatantly the ringing American statements for “all men” coexisted with the continuation of slavery, though some northern states began to work toward abolition. Native Americans were also verbally attacked in the founding documents. France tightened family laws in ways that imposed some new limitations on women. The French revolution turned against many political opponents, inflicting harsh punishments. While the American system did introduce extensive religious freedom, French leaders, concerned about Catholic power, were reluctant to let go: a battle over religion and state would continue intermittently until the 20<sup>th</sup> century. “Rights” in the American version included the right to bear arms, which many Americans would come to cherish as least as dearly as freedom of speech; but this would raise issues later on. The United States also, in the 1790s, concerned about foreign political radicalism passed the “Alien and Sedition Acts” which banned “seditious or malicious writing”, in flagrant defiance of the Bill of Rights. France, pushing for individual liberties, abolished the guild system, and long outlawed the formation of labor groups—here was an interesting tension between new rights and collective protections that would affect many modern societies. In other words, the birth of modern human rights included several deep inconsistencies and also some special features that were not unambiguous.

**Impacts** American and French precedents help explain why many later societies, engaged in their own revolutions or establishing new nations, assumed the importance of declaring their own commitments to rights. In some cases the gestures were not followed through in law, but overall the notion that a modern society needed a commitment to rights was a significant feature of modern world history. Developments in Haiti and then the independence movements in Latin America provided quick illustrations of the power of this revolutionary example. In Western Europe itself, French armies imported some of the new language of rights to neighboring countries. To be sure, conservative reaction after the defeat of Napoleon in 1815 deliberately pushed back against freedom of speech and assembly, and tried to bolster religious authority. But pressure for the basic rights quickly resumed.

**Revolution of 1830 and other extensions** Thus in France, when a restored monarchy sought to heighten the power of the Catholic Church by passing new laws against sacrilege, and then threatened new censorship controls over the press, the moves directly triggered a new rising, in July, 1830. The even more elaborate series of Western revolutions that fanned out in 1848, though they had more complicated causes and goals, included efforts not only in France but in Italy and Germany to install freedoms of press and assembly. Another focus was added: efforts to extend freedom of speech to university campuses, against periodic government efforts to intervene against political opponents. Religious liberty also won new attention, as the British for example finally extended tolerance to Catholics and later for Jews. The momentum for expanding and extending rights was considerable.

**Conservative evolution** Over time, many European conservatives became accustomed to at least versions of the revolutionary rights. To be sure, the leadership of the Catholic Church held out. In 1864 the Pope issued a “Syllabus of Errors”, that pointedly included the idea that “every man is free to embrace and profess...that religion he shall consider true.” But conservatives in other sectors, as in Germany, after the immediate revolutionary dust settled, began to accept a degree of freedom in speech, press and religion. A striking development (given European traditions) was the widespread emancipation of the Jews, giving them legal equality with other citizens.

**Rights to vote** The list of human rights established in the age of Atlantic revolutions did not clearly include the right to vote – even aside from continuing limitations on slaves and women. The French revolution briefly granted universal male suffrage, but then pulled back. Many rights leaders were hesitant to give a vote to the masses, believing that possession of some property was a precondition for responsible citizenship. It took a few decades for most northern states in the United States to extend the vote. Britain expanded voting in three steps – embracing most (male) members of the middle class in 1832, most urban workers in 1863, but almost all men in general only in the 1880s. France returned to universal male suffrage with the revolution of 1848. Here, in other words, was a “right” that was gaining ground, certainly advocated by many radical leaders, but whose advent was surprisingly gradual.

Study questions:

1. What institutions were seen as the main threats to rights, during the revolutionary era?
2. What important rights were not included in the revolutionary lists?
3. Why was freedom of speech/press so strongly emphasized in the revolutionary era and beyond? Why was it a clearer “right” for the revolutionaries than the right to vote was?

Further reading:

Jack Censer and Lynn Hunt, *Liberty, Equality, Fraternity: exploring the French revolution* (Pennsylvania State University, 2001).

Ari Kohen and Sara Lunsford, “American Revolution,” in David Forsythe, ed., *Encyclopedia of Human Rights* (Oxford University Press, 2009).

Alexander Keyssar, *The Embattled Right to Vote in America: from the founding fathers to the present* (Basic Books, 2000).

## Abolitionism and human rights

**Advent of abolitionism** Along with the revolutions, and linked to them in some ways, the rise of systematic anti-slavery sentiment was the second way that human rights thinking began to be transferred from the intellectual sphere to actual political and social change. Concern about slavery was not brand new, of course. Both Christianity and Islam had raised objections based on problems of holding co-religionists as property; some Catholic officials even worked hard to resist enslavement in the Americas. Theirs was not a human rights argument directly, but it could serve as a base. However, neither religion, in the end, insisted that slavery be terminated; there was no massive religious objection to the massive enslavement of Africans from the 16<sup>th</sup> century onward.

**Sources of new thinking** From the mid-18<sup>th</sup> century, however, in various parts of Western Europe and, more hesitantly, in some of the North American colonies, two cultural impulses sponsored what turned out to be an unprecedented effort to end formal slavery – first in the Americas, then more globally. Minority strands of Protestant Christianity, and particularly the rise of Quaker and Methodist sects, emphasized the universality of their moral code and provided much of the new passion for the anti-slavery movement. At the same time, Enlightenment ideas about basic human equality and the importance of freedom provided new perspective as well. Even “Enlightened” slave owners like Thomas Jefferson saw the institution as an “abomination” – though this did not impel them to action. Finally, voices from some former slaves themselves (and from some former slave traders), dramatizing the horrors of the Middle Passage as well as plantation labor, added to the chorus.

**The movement** What was particularly striking, however, was the way these ideas translated into action. Periodically from the mid-18<sup>th</sup> century onward (the movement was sporadic), massive petition drives to end slavery or the slave trade won tens of thousands of signatures in British cities. (In 1788 for example 10,000 people in the city of Manchester alone, a fifth of the total population signed on.) Organizations formed, like the British Abolition Society (1787) – arguably the first human rights organizations in history (though the term was not used), contending that slavery was “repugnant to the principles of justice and humanity”. Lectures as well as petition drives, plays that dramatized the conditions of enslaved labor, specialty subgroups like youth against slavery – many of the modern techniques of rousing public opinion against injustice were brought into play. And the movement was transnational, prompting campaigns and action in Denmark, France and elsewhere. By the early 19<sup>th</sup> century international congresses (drawing mainly from Western Europe, the United States, and Canada) were appealing to “friends of the slave of every nation and every clime”. It is not farfetched to see this as the first global human rights movement, and again the London Anti-Slavery Society (though now renamed) survives to the present day, fighting against labor abuses worldwide.

**Haiti** The unprecedented Haitian revolution, which began in 1791 and ended with independence and the abolition of slavery in 1804, was another demonstration of the power and transportability of the new rights thinking. Violent protest against slavery was not new in Haiti, but it was given new sanction and direction by Enlightenment attacks such as those of Guillaume Raynal. Toussaint Louverture, a free Black familiar with Enlightenment ideas, took the lead in combining slave resistance with the new political concepts,

sponsoring a series of constitutions that proclaimed a variety of liberal ideas including abolition. One result was a belated recognition in revolutionary France that slavery was against the principles of the Declaration of the Rights of Man: “until now our decrees of liberty have been selfish...but today we proclaim it to the universe...” (1793) (though the French later backtracked, until 1848). Haiti demonstrated how new thinking about rights transformed an older tradition of slave resistance, giving it new direction and wider appeal.

**Later developments** Ongoing efforts to rouse sympathies and dramatize the gap between slavery (or harsh serfdom) and modern ideals progressively roused opinion in other countries. Russian nobles opposed to serfdom argued that the system was inefficient but also morally repugnant, and their twin arguments finally gained ground. Brazilian abolitionists later in the century used rights arguments, now contending that enlightened world opinion had turned against slavery. Gradually (though not fully until the 20<sup>th</sup> century) the same argument about living up to contemporary world opinion would move rulers in the Middle Eastern Gulf States, slavery’s last formal bastion.

**Debates** Many explanations of the unprecedented move against forced labor single out the role of new ideas, and their popularization, as the most important single source of the decline of the most brutal and general forms of forced labor. Other factors contributed, in some cases including slave or serf resistance or beliefs that slavery was incompatible with modern economic progress. There were blindspots in the new thinking. Many abolitionists turned out not to care very much what happened to former slaves once the institution was abolished, and many coercive labor practices were soon installed, along with political repression. Other types of forced labor occurred in parts of Africa under imperialism (though true to form, some human rights protest responded, as in attacking labor practices in the Belgian Congo). It has also been pointed out the anti-slavery was occurring just as industrialization was taking hold in places like Britain, and that opinion was to some extent distracted from attention to rights abuses in the factories by the dramatic appeals for attention overseas. Overall assessment of the rise of abolitionism is complex, but attention to the importance of rights arguments is not misplaced.

Study questions:

1. Is a growing sense of human rights the best explanation for the rise of abolitionism?
2. What is the role of the Haitian revolution in the history of human rights?
3. To what extent did the end of slavery and serfdom lead to new abuses, and why were these harder to address in human rights terms?

Further reading:

Seymour Drescher, *Abolition: a history of slavery and antislavery* (Cambridge University Press, 2009).

Robin Blackburn, *The Overthrow of Colonial Slavery* (Verso, 1988).

Peter Kolchin, *Unfree Labor: American slavery and Russian serfdom* (Harvard University Press, 1987).

Jeremy Popkin, *A Concise History of the Haitian Revolution* (Wiley-Blackwell, 2012).

## Latin America

**Putting Latin America in the picture** Later chapters will show how Latin Americans have frequently been in the forefront of modern human rights campaigns – sometimes ahead of the West, not to mention the rest of the world. But Latin America is often neglected in human rights history. Partly this is because Latin American nations have not wielded the military or economic clout of their Western counterparts. Partly it is because of the undeniable oscillations of Latin American politics, with frequent periods of strong man rule (*caudillismo*) and repression (but many Western countries have not been exempt here). Human rights have been, and are, a battleground in Latin American history. This said, it is important to recognize that, in the wake of Western developments in the 18<sup>th</sup> century, human rights thinking was implanted early as an element in the modern Latin American political tradition.

**The Background** There is no question that much of the Latin American human rights tradition originated with the familiarity of many independence leaders with Enlightenment thought, particularly in France

(though the North American precedent had some role as well). The French Declaration of the Rights of Man and the Citizen was translated into Spanish in the 1790s (the translator was thrown into jail by the colonial authorities). Many Latin Americans began to express their “yearning” (as one Venezuelan put it) for this kind of freedom. However, Latin American leaders were also influenced by the older Catholic tradition of natural law, which was taught in universities in the region until the Spanish tried to clamp down. As a result, the Latin American approach to human rights may have differed from the French in three ways. First, it was less systematically anti-government, more sympathetic to positive government action as well as protection of individuals against abuse. Second, it was less anti-Catholic, willing to see the state enforce appropriate Catholic rules (a feature still visible today, for example in resistance to gay rights legislation in otherwise liberal countries). To be sure, Catholic support for authoritarian rule pushed many Latin American liberals to urge reduction of the Church role, for example in education, but some distinctions may have lingered. Finally, the Latin American human rights tradition was less broadly based, more confined to the leadership of people of European origin who, in fact, carried through the independence movements without wide popular support.

**Bolivar and independence.** Simon Bolivar, the leading independence figure, was thoroughly versed in French Enlightenment authors, and particularly Rousseau. Bolivar believed deeply in individual liberty – and was profoundly opposed to slavery, a “shameless violation of human dignity”. Like the North American revolutionary leaders, Bolivar believed that people possessed certain inalienable rights; as the Colombian constitution of 1812 put it, “the right of man in society are legal equality and liberty, security and property.” However, Bolivar placed more emphasis on the duties of citizens, and less simply on protecting their rights, than was true of the United States Bill of Rights. And, faced with the huge difficulties of governance after independence was won, he reluctantly relaxed protection of rights like freedom of the press in favor of efforts at stability. At the same time it is important to recognize that all the constitutions issued in the wake of independence in the early 19<sup>th</sup> century – including Colombia – carefully included a declaration of rights. Thus Mexico not only banned slavery but also torture, while stipulating freedom of the press. In Argentina San Martin, proclaiming that “liberals of the world are brothers everywhere”, instituted press freedom and emancipation for the children of slaves, though more than Bolivar he came to find strong government essential.

**Juarez** Benito Juarez, who governed Mexico at several points in the 1850s and 1860s, is another figure who maintained the Latin American human rights tradition. He sponsored a law in 1855 that established equality under the law and restricted the powers of the Catholic Church and the military. His success was short-lived, as foreign intervention and then, in the 1870s, the establishment of another period of strongman rule created the context for the Mexican revolution of 1910.

**The Mexican Revolution** The constitution of 1917 set forth a clear list of citizen rights – specifically now called human rights (*derechos humanos y sus garantias*, First Title, chapter 1). Particularly noteworthy were efforts to limit the role of the Catholic Church in education and other matters – arguably, significantly limiting Catholic liberty because of beliefs that the Church would seek to undermine a liberal, secular state; however, the restrictions were not always enforced subsequently. Even more important was the addition of social rights to the usual list – here, Mexico set a model for later constitutions like that (1918) of the Soviet Union. Social rights included rights to education, support for land reform, and measures seeking to protect labor in areas such as hours of work, social insurance, and safety. (“The Nation shall have at all times the right to impose on private property such limitations as the public good demands.”) Definitions of rights were expanding, though it is also true that the establishment of one-party rule from the 1920s to the 1990s significantly limited political rights in fact. Again, the Latin American human rights tradition was real but undeniably checkered into recent decades.

Study questions:

1. Why was French example on the whole more relevant to Latin American rights development than examples from the United States?
2. What were some distinctive features of human rights development in 19<sup>th</sup>-century Latin America?
3. In what ways did the Mexican revolution and its aftermath represent a new turn in human rights?

Further reading:

Paolo Carozza, "From Conquest to Constitutions: retrieving a Latin American tradition of the idea of human rights," *Human Rights Quarterly* 25 (2003): 281-313.

John Lynch, *Simon Bolivar. A Life* (Yale University Press, 2006).

Michael Gonzales, *The Mexican Revolution, 1910-1940* (University of New Mexico Press, 2002).

## Liberalism and industrialization

**Liberalism and complications** The development of a defined liberal movement in Western Europe – one of the main political parties in Britain became known as the Liberal Party, but there were comparable groupings in other countries – built around defining and defending major rights, particularly against state and, often, church. Similar currents developed in the British settler societies (Australia, Canada, the United States, and New Zealand), again under various names (and there were implications as well in Latin America). All of this built on the Enlightenment tradition, though liberal intellectuals extended key arguments. Liberalism was complicated, however, by the simultaneous rise of nationalism, but even more by the implications of the industrial revolution which in some respects seriously cut into the independence of growing numbers of workers. This resulted in something of a political juggling act that would carry beyond the 19<sup>th</sup> century.

**19<sup>th</sup>-century liberalism** Western liberalism in this period had somewhat different meanings from what "liberal" has come to mean in the contemporary United States, though there are connections. Nineteenth-century liberals believed strongly in freedoms of the press, speech and assembly; they defended freedom of religion, and some were quite secular; they insisted on constitutional protections and a strong parliament capable of checking the power of the executive, though they might or might not favor republics over monarchies. They also believed in economic rights, beginning with private property, and sought to limit government interference in the economy. A point too often neglected is liberals' vigorous advocacy of reducing the severity of punishments for crimes; under liberal inspiration, the number of crimes subject to the death penalty was dramatically reduced. A few places, like the state of Michigan in 1846, even eliminated the death penalty altogether.

**John Stuart Mill** Mill's book, *On Liberty* (1858) is perhaps the most characteristic and eloquent statement of 19<sup>th</sup>-century liberal principles, the book moves away from natural rights arguments in favor of emphasizing the utility of allowing individuals as much freedom from interference as possible, constrained only by the need to make sure their actions do not infringe on the liberty of others (a slippery criterion in practice). "The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others." While Mill devoted some attention to economic rights, he was more interested in freedoms of thoughts and expression, vital to a society's creativity as well as to individual opportunity. Truth can come out only through free discussion, including the presentation of erroneous ideas. He extended his discussion to issues of divorce (this should be a right, despite the importance of marriage) and suicide (societies can step in to control an individual bent on ending his life). Urging the importance of education, Mill argued against state-run systems: competition was vital to freedom.

**Liberals and democracy** Mill and many other liberals worried greatly about the tyranny of the majority, as pressures for voting rights expanded. This reflected concern that majorities could neglect vital rights, and also a lingering suspicion about the political capabilities of ordinary people. Gradually, however, most Western liberals increasingly accepted the idea of wide suffrage. Granting the suffrage of former enslaved Americans, after the Civil War, was an important extension of the idea of a right to vote (even though it was widely undermined in practice). French liberalism also came to terms with democratic suffrage, in the 1870s.

**Liberals and nationalism** Nationalism as a European political movement was long twinned with liberalism, with no apparent conflict. Indeed, arguing for national unity or independence seemed fully compatible with other ideas about rights. This relationship would continue in many of the rights statements of the 20<sup>th</sup> century. However, at some points liberals were forced to choose between their priorities and nationalist opportunities. Thus in Germany in the 1860s many liberals accepted the role of authoritarian Prussia in unifying Germany. More generally, nationalist enthusiasm for a powerful nation

state might clash with liberalism in many ways. Even more obviously, as in World War I, nationalist goals of victory justified massive trampling of human rights, as freedoms of press and speech were dramatically curtailed. The 19<sup>th</sup> century did toss up one additional effort at reconciliation: the Geneva conventions, launched in the 1860s, sought to establish rights for the wounded and prisoners of war, and many nationalists (in Europe and ultimately elsewhere) signed on to this advance.

**The industrial revolution and rights** Without much question, the industrial revolution, launched in the 19<sup>th</sup> century West, was the most important development in the whole period. Technically it had little to do with rights, aside from the property rights asserted by eager industrialists. In fact, however, industrialization dramatically curtailed the freedoms of many workers, subjecting them to harsh shop discipline, the authority of foremen or other intermediaries, and a variety of fines for misbehavior. Arguably in the long run, by improving prosperity, industrialization might further the enjoyment of rights, but in its initial decades at least it ran counter to liberal professions. Hesitantly, liberals sought to apply rights thinking to at least a few areas of concern.

**Child labor** Use of children at work was not new, but the conditions of factory labor, and supervision by strangers, raised a host of new concerns. This was a difficult issue for liberals to confront. On the one hand were the rights not only of factory owners but also of parents, who were traditionally free to decide what their children should be doing. On the other hand, many liberals realized that children's freedom and prospects were seriously undermined, and that education – another liberal goal – was severely hampered. Gradually, most liberals began to accept the need for regulating children's hours of work – the argument was quickly extended to women as well – and even requiring some schooling at least for those employed in factories. The notion of a right to education was not yet articulated, but liberals moved in this direction.

**Unions** Liberals initially opposed unions of workers, as inimical to the rights of employers and contrary to the emphasis on individual freedom of action. Unions were outlawed in early industrialization in Britain, France and elsewhere. Gradually, however, the imbalance of power and the resultant restrictions on worker rights became increasingly apparent, and legal rights were extended. Compromise here, however, was somewhat more tentative than in the case of children and education.

**Conclusion** Liberalism was a massive political force through the 19<sup>th</sup> century, though not uncontested. Its power in Western Europe began to wane only at the end of the century, when socialist political forces, more attuned to the looming "social questions" of industrial society, began to gain ground at liberal expense. Liberal principles did not die, and many reformist socialists defended them in fact. Further, liberalism itself had evolved during the century, as adjustments to democracy and certain kinds of social reform suggest. This was a process that would continue in the West into the 20<sup>th</sup> century, even as formal liberal parties were somewhat eclipsed.

Study questions:

1. What were the differences between liberal human rights arguments and more traditional justifications?
2. Has the rise of nationalism furthered or hampered human rights, everything considered?
3. Has the industrial revolution, overall, furthered or hampered human rights? What was the liberal approach to reconciling the two forces?

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Alan Ryan, *The Making of Modern Liberalism* (Princeton University Press, 2012).

Robert Leroux and David Hart, eds., *French Liberalism in the 19<sup>th</sup> Century* (Routledge, 2012).

J.R. Fitzpatrick, *John Stuart Mill's Political Philosophy* (Bloomsbury 2006).

Peter N. Stearns, *The Industrial Revolution in World History*, 4th ed. (Routledge, 2020).

## Feminism and rights

**Early Connections** Modern feminism was essentially born through linking the human rights arguments of the Enlightenment, the revolutionary era, and then liberalism, to conditions of women. In turn, though gradually, feminism in 19<sup>th</sup>-century Western Europe and the United States began to expand the definition of human rights, though the full connections awaited the 20<sup>th</sup> century. Early voices began the process. Thus in France Olympe de Gouges, in 1791, matched the claims of the Revolution in writing the *Declaration of the Rights of Woman and the Citizen*: “Woman is born free and lives equal to man in her rights” – attacking “perpetual male tyranny”. Across, the Channel Mary Wollstonecraft wrote a similar declaration in her *Vindication of the Rights of Women* (1792), appealing for both equal rights and equal education. These arguments made little headway at the time, but they set the scene quite clearly.

**Organized feminism** The steady expansion of human rights efforts, through additional revolutions and the campaign against slavery, helped galvanize a wider campaign to extend the same principles to women. In the United States a meeting in Seneca Falls, New York, in 1848, was effectively the nation’s first women’s rights gathering, and it was followed by additional programs. Seneca Falls was noteworthy for including the right to vote in the list of goals, after considerable debate.

**Dual arguments** The basic push for rights at the core of feminism explicitly extended the now-familiar arguments to the domain of gender: if equal rights was the goal, women must be included. There was a secondary argument however, based on the special notions of women’s qualities that developed in places like Britain and the United States during 19<sup>th</sup> century. Women were endowed with particular qualities: they were naturally loving, beginning with their maternal qualities; they were naturally more sexually moral and more peaceful than men. Thus, obviously, they deserved at least equal rights in the family domain. Allowing the vote might not only be fair to women, but would advance society through the special virtues of female leadership. Both lines of argument supported rights, and they could be used in combination; but they had slightly different implications.

**Goals** By the later 19<sup>th</sup> century, as feminist movements matured, the general push for rights focused on an array of specific targets. Property rights formed one category. In many Western countries laws increasingly recognized women’s control over property, independent of fathers or husbands; an example was the Married Women’s Property Act in Britain. Equal rights in divorce gained attention, and by the later 19<sup>th</sup> century, in a dramatic reversal of tradition, women began commonly win disputed cases of custody for children – on the assumption that mothers were the better natural parents. Education was another target. Most Western countries were now providing elementary education for girls as well as boys, but entry to professional schools like law or medicine required an additional push – another common gain during the second half of the 19<sup>th</sup> century. Sexual exploitation was another target, with many efforts to shield women from prostitution and the sex trade, plus some attempts to mandate health protections for prostitutes themselves.

**Voting rights** By the end of the century suffrage had become clearly the premier women’s rights goal, justified by the general claim for legal equality and a potential anchor as well for other gains. A number of male liberals, including John Stuart Mill, joined feminists in this effort, though there was deep resistance as well. The territory of Wyoming first granted the vote, in 1869; New Zealand was the first nation to do so, in 1893 (though without yet allowing female candidates); Finland authorized both votes and candidacies in 1901. After additional agitation, countries like Britain, the United States and Germany followed suit soon after World War I. Here was a twin gain: for women’s rights, and for the growing acknowledgement that access to voting was now part of the standard rights list.

**International efforts** Through the 19<sup>th</sup> century the women’s rights push was disproportionately Western (and, interestingly, within the West particularly centered in countries with Protestant rather than Catholic backgrounds). From the 1860s, however, many rights groups began to seek international membership. Global conferences became common by the 1880s, with appeals to “women of the world”, in the name of the “great ideals of civilization and progress”. Actual representation from places like China and Iran was still at token levels. Western feminists were frequently scornful of their sisters in other, more “backward”, countries. But the idea that women’s rights was a global cause would gain momentum, and would serve as a prime example of the extension of human rights thinking to many regions of the world.

Study questions:

1. Why was there any issue over whether the idea of rights should apply to women as well as men?
2. How did some feminists develop two lines of argument about their entitlement to basic rights?
3. What were the main targets of 19<sup>th</sup>-century gender rights efforts; what potential goals received less attention?

Further reading:

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## Imperialism and human rights

**Basic problem** Without much question the clearest human rights problem of the 19<sup>th</sup> century stemmed from Western imperialism. Of course traditionalist opposition to various rights was an ongoing barrier – in the West as well as other regions. But the expansion of imperialism introduced new attacks on what Western leaders were proclaiming as human rights. The new restrictions were problems in themselves, but they also deeply complicated efforts to persuade people in most of the world's regions that Western human rights professions were worth serious attention. Western intruders seemed to be doing the opposite of what global rights advocates were proclaiming as human fundamentals.

**Causes** There were two basic reasons for the disjuncture. Most fundamentally – and this had been true of colonialism in the early modern centuries – many European leaders simply assumed that their power advantage, in weaponry and now in industrial economies, authorized them to do whatever they wanted to seize and maintain power and profits in many regions of the world. Rights issues were simply irrelevant. (The same held true in the United States westward expansion.) But many other participants, more actively aware of rights arguments at home, found them inapplicable to the rest of the world because of deficiencies in basic civilization, often combined (in Western thinking) with racial inferiority. Colonies new and old needed enlightened guidance, not rights for which they were unprepared. Some division of opinion applied here: between those who thought that later on, after a period of Western tutoring, civilization levels would rise, and those who thought the Western "white man's burden" was a permanent requirement. Nothing illustrated the second group of apologists more vividly than John Stuart Mill's clear belief that Indians were "unfit" for anything more than a "limited and qualified freedom" (Mill was a longtime employee of the British East India Company).

**Violations** To gain and maintain empires, European and United States regimes jailed opposition leaders (often with no trial and often with torture) and censored the press – well into the 20<sup>th</sup> century. They intimidated workers, often through torture, to accept dangerous jobs in mining – as in the Belgian Congo. They committed genocide, as the Germans did in Southeast Africa (now Namibia) in the first decade of the 20<sup>th</sup> century, when they exiled tribes that had protested their rule into the desert, where an estimated 80,000 died. On a more prosaic scale, imperialist regimes introduced punitive measures that reformers were busily undoing back home. Whipping, or flogging, was a prime example. Here was a traditional punishment now widely regarded as "cruel and unusual" in the 19<sup>th</sup>-century West, phased out of the British army for example (in 1878) . But it was standard procedure in Africa, to punish disobedient troops or even (ironically) people accused of beating animals. In 1888 for example a British officer ordered up to 72 strokes on Hausa policemen guilty of insubordination to another White officer. Another important category, though not technically in the colonies, highlights the huge violations of children's and family rights in the schools forced on indigenous children in the United States, Canada and Australia.

**Homosexuals** Westerners had a low opinion of the sexual habits of many colonial people (sometimes goaded by colonial wives who worried about "temptations" their husband-officials might face) Many

regimes introduced new rules over female sexual behavior and other public activities (in some cases, even shopkeeping). The most dramatic new regulatory efforts applied to homosexuality, which Europeans claimed to find rampant in many colonial traditions. Under this spur, many colonies passed new laws decreeing severe punishment for those caught in homosexual behaviors. In India, for example, in 1861 the British simply applied their own penal code, which stipulated up to a life imprisonment for sodomy – in a country that had long been tolerant of homosexuality behaviors and also “two spirit” categories.

**Neglect** European overlords also simply ignored a number of local practices that clearly contravened their own rights values – mainly because they feared rousing local opposition. Thus the Indian caste system was untouched, if anything deepened, with a few exceptions (such as railway carriages). The traditional practice of female circumcision in parts of northeastern Africa, now clearly designated a rights violation, was tolerated by British and French colonial officials until after World War II.

**Exceptions** The picture is not monochromatic. Colonial regimes in Africa seriously worked to ban the internal slave trade, as in a mutual agreement at an 1885 conference in Berlin. Formal slavery did decline. In India, British officials moved to outlaw the practice of *sati*, in which in some regions Hindu widows threw themselves on the funeral pyres of their recently-dead husbands, on grounds that, husbandless, they had nothing left to live for. Several Muslim leaders had earlier decried the practice as well. British efforts were joined by Indian reformers from the early 19<sup>th</sup> century onward, an interesting case of transmission of a new rights standard to domestic advocates. There were some efforts to create other protections for widows. Furthermore, over time, some of the clearest gaps between domestic rights standards and colonial conditions were addressed. (Even John Stuart Mill, in later life, had partial second thoughts about imperial rule in India.) Thus British military officials began to set clear limits on flogging of colonial troops and finally phased this out altogether. And of course a number of children from the colonies, sent to school in the West, were able to gain a new understanding of human rights which they would bring home with them, usually beginning with the right to win liberation from imperial control.

**Overall assessment** There must be some tension in applying contemporary human rights standards to the past – as earlier chapters have suggested. What many people today see as moral imperatives simply were not applicable in many societies until very recently. What is striking about 19<sup>th</sup>-century imperialism however – in some contrast to earlier colonial regimes – is their blatant contradiction or neglect of rights that were increasingly, even loudly, accepted back home. This too can be explained, but it was a huge anomaly that would complicate reactions to human rights in many regions not only through the imperialist era but well beyond. Obviously this is a vast topic, much debated, with a massive contemporary aftermath as people, in the West and elsewhere, struggle to define imperialist abuses and even make amends -- while at least a few continue to argue that on balance imperialism helped spread human rights awareness.

Study questions:

1. Why did many liberals support the suppression of rights in the colonies?
2. What kinds of rights were most at risk under colonial governments?
3. What kinds of rights were (somewhat) advanced by imperialist regimes?
4. How much does the imperialist period help explain regional differences over human rights today?

Further reading:

Bonny Ibhawoh, *Imperialism and Human Rights; colonial discoveries of rights and liberties in African history* (State University of New York Press, 2007).

E.J. Hobsbawm, *Age of Empire, 1875-1914* (Abacus Books, 1989).

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## Reform movements: Russia, Ottoman Empire, China, Japan

**The issue** Four major societies – aside from the Americas – remained technically free from Western imperialism in the long 19<sup>th</sup> century, though under great pressure from military and economic interference. All four, recognizing the peril, introduced some reforms, designed to promote greater economic and political strength at home and, to an extent, to appease Western critics. On the whole, human rights were not a major, durable part of the agenda, as opposed to other types of change. But there were some exceptions, and the patterns of change and continuity had implications for rights issues not only at the time, but later on.

**Russia: the advent of reform** Russian leaders wanted nothing to do with the growing Western interest in rights, from the 18<sup>th</sup> century until the later 19<sup>th</sup> – though many Russian intellectuals and reformers were attracted. Liberal movements were brutally repressed – for example, the Decembrist revolt of 1825 -- with many leaders exiled or imprisoned. Between 1861 and the 1880s, however, the tsarist government sponsored a number of significant reforms, beginning with the abolition of serfdom. Given Russia's long cultural connections with the West, it was not surprising that some rights implications were included in the reform effort. Notably, for example, new law codes dramatically reduced the severity of punishments for many crimes, cutting back on impositions of the death penalty. At one point, over 150 crimes had been subject to capital punishment, but by the 1890s even executions for murder were becoming infrequent. Equality under the law and a right to a jury trial was stipulated in 1864. The abolition of serfdom loosened restrictions on the peasant majority, but in this case redemption payment obligations continued to constrain many villagers; while the Emancipation document promise "full rights" to former serfs over time, in the short run the property rights of the nobility gained precedence. The contrast with the more complete abolition of serfdom in the West, in the revolutionary era, was interesting. And, even at the height of the reform movement, some of the more individualistic rights favored by liberals, such as freedom of speech, were not emphasized.

**Conservative reaction** In 1881 the reformist tsar was killed by an anarchist bomb. The reform era ended. Censorship was extended, and the secret police moved against any sign of political opposition. Religious tolerance was replaced by official backing for Orthodox Christianity and minorities, such as Jews, were widely persecuted. At the same time, a conservative ideology expanded emphasizing the superiority of Russia's community values and political obedience over the chaotic individualism and political instability of the West (a rhetoric that would in some ways return in the early 21<sup>st</sup> century). Rights principles were not entirely forgotten: a 1906 measure established equality of access to the civil service, ending noble privilege, referring to "equal rights" in this domain. Russian feminists used the same rights language as their Western sisters. But the idea of individual rights against the state did not take deep root in the Russian experience.

**Ottoman Empire** Ottoman rulers launched the Tanzimat reform process in 1838, and it would extend into the 1870s. Several reforms reflected Western influence but also the rights implications of traditional Islamic thought (with explicit references to the Qur'an). New laws protected all subjects against arbitrary or secret punishments, guaranteeing public trials. Equal access to state appointments was assured, and religious minorities received additional assurances. In 1856 the government even issued a Bill of Rights, abolishing all distinctions that might make any religious or linguistic group "inferior to another class". "All forms of Religion are and shall be freely professed...No one shall be compelled to change their religion." Freedom of travel and rights to privacy were more widely respected. There was real change. The result did not improve political stability, however, and in 1878 the regime pulled back, nullifying the constitution and particularly attacking freedom of the press. As in Russia, a fearful government embraced repression over maintenance of political rights.

**China** China in the late 19<sup>th</sup> century was in great disarray, and the government was too ineffective really to launch a reform process of any sort. A number of Chinese students did begin to study in the West, however, and brought back ideas of rights that would feed into the aspirations of the new regime established in the revolution of 1911. Western influence plus the rise of reform sentiment also began to move against the practice of footbinding, urging the importance of better treatment of women; here too, some idea of new rights began to be introduced.

**Japan** Under the Meiji regime after 1868, Japan launched the most extensive reform process of all, outside the West. Feudalism was abolished, universal education installed, industrial development successfully promoted. Specific attention to rights, however, was more limited. New civil and judicial codes did clarify right to property and judicial procedures for the first time. The Constitution of 1889 stipulated freedom of movement; freedom from entry into one's house; privacy of correspondence; and freedom of speech, assembly and association as "qualified rights" – the emperor retained ultimate power and his government could introduce limitations. Religious freedom, however, was unqualified, as were equality of access to public appointments and rights to trial. Overall, the Meiji regime emphasized obligations and loyalty to nation and emperor over attention to the individual. In other interesting move, to please Western opinion the Japanese briefly outlawed homosexuality (against the national tradition of greater tolerance), but this was quickly pulled back.

**Conclusion** Clearly, the new thirst for reform included some major gains for certain rights outside the Western and imperialist orbit. Equally clearly, however, rights advances in many key areas were tentative, and emphasis on state authority limited acceptance of some of the key political rights most cherished by Western liberals. It is important not to overdo: rights of free speech and press were often limited in the West as well. In Britain and the United States, for example, Victorian sexual culture justified extensive censorship of novels and plays, and political interference with the press was hardly eliminated. Still, it is fair to note that the liberal rights agenda was less clearly articulated outside the West, even in nations or periods otherwise committed to reform.

Study questions:

1. What were the key similarities between Ottoman and Russian approaches to rights?
2. Why did Japan, during the Meiji era, avoid the kind of authoritarian backlash that affected other reform movements?
3. Is it accurate to draw a firm line between Western rights approaches in the 19<sup>th</sup> century, and the approaches established in Asia and Eastern Europe?

Further reading:

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