HUMANITIES INSTITUTE
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HUMAN RIGHTS IN HISTORY – 20th Century

Contents

INTRODUCTION

Complexities: oscillations Any history of human rights on a global scale over the past century must deal with two complexities. The first is chronological. There is simply no straight line trend from 1914 to the present. Human rights has experienced arguably three doldrums periods: interwar; Cold War 1950s; and 21st century. Even if one starts the story in 1945, when an upward trend becomes more obvious, the setback decades must be taken into account.

Complexities: regions World historians love to seek regional balance, to make it clear that no major regional tradition is better than another. And for some topics this is both true and important. But not in the contemporary history of human rights. There is simply no getting around the ongoing Western role in defining and pushing much of the agenda – the rollout of gay rights is just a recent example, though a somewhat ironic one since the West had led in intolerance until recent decades. The results of the Western position can certainly be debated, including the relationship between human rights efforts and the imperialist legacy. It is clear that Latin America deserves special note as well, despite periodic hiccups (which applies to the West as well). Latin American voices have had global resonance in this area. Sub-Saharan Africa is more complicated, partly because of the size and diversity of the region. But African human rights advocacy has also carried beyond the borders of the subcontinent, most obviously with the example and tactics of Nelson Mandela but also in the commitment of the Organization of African States and more recently the African Union, which was revamped in large part because of a desire to promote human rights more effectively. India's role, both before and after independence, has also had resonance, which makes the current setbacks all the more troubling. And Japan has had an important role to play: its early stance against racism was ahead of its time, and its contributions since 1945 have been vital.

Complexities: regions Some regions, in contrast, have simply been more complicated, and Russia, China, and the Middle East head the list. It is vital to remember the contributions of communism to broadening the human rights discussion. The notion of a distinctive East Asian approach also deserves attention. And the ongoing debates over an Islamic approach to human rights are important, and may bear further results in the future; nor, one must hasten to add, is there a single Islamic position on the subject. But these are also regions that, through a combination of earlier cultural traditions and more recent political trends, have been less receptive to significant chunks of the human rights agenda. Both Russia and China today rather tout their anti-human rights stance, less interested in defending a distinctive regional definition than in arguing that authoritarianism better suits human needs than rights of any sort. This may be temporary: it is important not to assume that regional positions are fixed in stone, for that has not in fact been the contemporary experience. It may reflect a Western-biased evaluation. But there is no question that regional variations have complicated generalizations about human rights throughout the contemporary period – and earlier as well.

Main points Complexities granted, two main points stick out about the contemporary history of human rights, though particularly from the 1940s onward. First, human rights have become an important part of political and even diplomatic conversations almost everywhere, in ways that was simply not the case earlier. References may sometimes be hollow or hypocritical. They may reflect important disagreements about what the rights are – as the endless debate about rights in the American abortion controversy demonstrates. But they are part of the picture: more people think in terms of rights than ever before. Second, though there were hints of this before the 20th century, the list of rights tends to expand, once the principle of rights is granted in the first place. The list at Vienna in 1993 is huge compared to the ideas that were floating around after World War I – not to mention the Enlightenment-fueled definitions of the 19th century. Pervasiveness in discourse and steady expansion are arguably valid conclusions despite qualification for region and decade – in fact, they form the reason that a history of the 20th-21st century would be incomplete without serious attention to the evolution of rights.

Results Has the increased attention to human rights done much good? This is a tougher one, because it depends on point of view but also varied data. Women's rights have surely increased, despite the remaining problems and regional variations. Use of the death penalty has declined, and perhaps torture has too (a tougher one). Basic rights for children, starting with education, are more widely respected But deciding whether speech and the press have become freer is a tougher call, because so many barriers have been thrown up at certain times and in certain places, and now the potential for technological big-brothering casts a shadow as well. Will human rights win out against facial recognition software? Religious freedom has expanded – except where it hasn't. The global decline of extreme poverty (at least until the pandemic) is surely liberating. The point is clear: human rights discourse and advocacy improved more rapidly than our ability to calculate the consequences, particularly given regional differences and countercurrents. Arguably the overall ledger is favorable: there is some connection between the establishment of rights as a common topic and measurable results. But there is no simple formula.

Study questions:

1. Do regional diversities make it impossible to generalize about human rights trends in the contemporary period?
2. Has the expansion of the list of key human rights resulted in an expansion of respect for the rights involved? What are some good examples?

On balance, did the real world history of human rights really begin in 1945?

League of Nations, and the Interwar Period

Overview The period between 1914 and 1945 saw a massive deterioration in human rights in many parts of the world, and a surprisingly weak response from potential defenders. Indeed, the shocking abuses and the absence of effective countermeasures help explain the major burst of activity after 1945, designed to establish clearer global principles.

League of Nations The League was the most hopeful experiment of the period, but it was famously beset with many limitations – and in the human rights field, it never ventured a clear statement. The League's Convenant, adopted in 1919, referred to a "fair and humane" treatment of labor, to a "just treatment" of "natives" in colonial territories, and to efforts to prevent traffic in women and children. The League also worked to extend the suppression of slavery. Several smaller countries had to promise to protect minorities or in the case of Ethiopia press further against slavery – an interesting expansion of the idea that an international body could impose rights provisions as a condition of membership, though enforcement was lax. There was however no detailed specification of rights. The American President Woodrow Wilson proposed a defense of religious freedom, but when in response Japanese representatives also urged a clearer stance against racism, both Britain and the United States objected and nothing was done. During the 1920s the International Labor Office, a League affiliate, did work to advance standards limiting child labor and restricting excessive hours of work; and there was formal acknowledgement of the efforts of several feminist organizations to advance women's rights. During the 1930s the League denounced Japanese aggression against China, Italy's invasion of Ethiopia, and some of the abuses associated with the Spanish Civil War, but to no avail; and again the rights standards involved were not fully clarified. The international community was not prepared to move forward.

Abuses The list here is long. Western nations had largely suspended human rights protections during the war, limiting freedom of speech and press, arresting dissenters (including conscientious objectors, many of whom were brutally treated in countries like Britain). The 1930s featured unprecedented bombing attacks against civilians (in China and Spain); suppression of press and assembly in the fascist countries, plus significant curtailment of religious freedom; the beginnings of Nazi oppression of Jews and other minorities, later capped by the Holocaust genocide. Fascist doctrine specifically took aim at individual rights, boosting the authority of Nation and Leader. Protest against these moves was vague and ineffective. In the West, liberal parties were in decline; many conservatives were more concerned about what they saw as a threat from socialism and communism than with defense of rights; the isolationist United States turned away from active concern with rights outside its borders. Meanwhile, Western imperialist powers, faced with growing nationalist resistance, increased the rate of arrests of dissidents, while Japan committed a variety of abuses in Korea and other parts of its new empire.

More positive developments Postwar extension of voting rights to women in Britain, Germany, the United States and elsewhere advanced women's claims to greater legal equality. The new nation of Turkey included religious freedom in its reform vision, and extended equality of the law to women – including the right to vote; these were major developments in a predominantly Muslim nation. Criminal law was revised to reduce the severity of punishments. But rights such as freedom of the press that might challenge state authority were not included, and in order to reduce religious influence certain kinds of clothing were banned – another interesting example of the tension between reform and individual rights. Turkey and other countries, in extending education, also suggested new attention to certain kinds of rights for children. A number of nationalist movements in key colonies also urged human rights as part of their resistance to Western imperialism. In India Mahatma Gandhi, after a considerable debate because of the importance of the caste system in the Hindu tradition, came out against castes, urging instead equality under the law – an important foretaste of India's commitment to human rights after independence in 1947.

Additional voices As early as 1917 a Chilean lawyer, Alejandro Alvarez, helped create a new American Institute of International Law, which included a new section on "international rights of the individual". In 1937 a new "League for the Rights of Man" was formed in Latin America, now becoming the source of several important initiatives. A number of scholars from various countries promoted a series of international conferences on rights issues, pressing the League to commit more clearly to a rights agenda. In 1929 a new "Declaration of the International Rights of Man" urged that the "conscience of the civilized world" demands recognition "for the individual's rights to be preserved from all infringement on the part of the state". Early in the 1930s both Poland and Haiti urged the League to take action to preserve the rights of minorities, such as Germany's Jews – though nothing happened not only because of German opposition but also because other countries worried about minority action in their own nations. Here again, promising new recognition of international rights commitments was being hampered by rights hesitations within individual countries even in the West. Yet as war loomed, Western leaders began belatedly to find a clearer voice. In 1941 President Franklin Roosevelt of the United States insisted that "Freedom means the supremacy of human rights everywhere," promising support for those who struggled in defense of rights. His list of rights was also interesting: "preservation of civil liberties for all", including freedom of speech and religion; but also "freedom from want" – as the idea of rights was beginning extend more clearly into the social arena.

Early in World War II As the United States joined Britain in the war effort, preserving "human rights and justice" became an allied mantra. As early as 1941 Western experts urged that a new commitment to the "international rights of man" was essential in a new kind of world organization. The Czech president in exile talked similarly of the "rights of man and international law" in his resistance to the Nazi takeover of his country. A host of groups insisted that "protection of human rights should be part of the war aims of the Allied Powers". Obviously, the hideous track record of the interwar years plus the various weaknesses of the rights initiatives that had occurred were motivating a wide desire for a new beginning.

Study questions:

1. What were the main reasons that Western countries were so hesitant about rights between the wars?

2. How did the League of Nations seek to promote rights? What were the limitations of its approach?
3. In what ways did the interwar period serve as a seedbed for the burst of rights initiatives after World War II?

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Erez Manela, *The Wilsonian Moment: self-determination and the international origins of anti-colonial nationalism* (Oxford University Press, 2007).

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Communist revolutions and Human Rights

Overview To many, particularly In the West, the communist regimes that took shape at various points in the 20th century, beginning with the Russian Revolution of 1917, are best known for repression of human rights. There is little question that Soviet regimes particularly from Stalin to the mid-1980s, and more recently Chinese communism, have worked to repress political dissent. Press freedoms have been curtailed amid the dominance of state- or party-controlled media. Many dissidents have been taken prisoner. Religious freedoms have been curtailed, though not always entirely eliminated. These are important points, that still shape deep differences in regional approaches to human rights. However, the communist story deserves attention for other reasons as well. First, despite repression, communist constitutions often purported to respect human rights – an interesting concession if mainly rhetorically. Second, despite repression, regimes have varied, with some interesting experimental interludes. Third and most important, beginning with the Soviets, communists have sought to add to the list of human rights, emphasizing collective social and economic gains. Their redefinitions have had real impact on global definitions over time.

Constitutions Soviet and Chinese communist constitutions often paid lip service to the kinds of human rights valued in the West – including the right to vote, quickly extended to women. Thus the Chinese periodically referred to "freedom of speech". Soviet documents stipulated "freedom of conscience", interestingly indicating that this included the right not to believe in any religion (which was of course the stance preferred by the Communist Party). Freedom of inquiry was assured to scientists and artists. People should also have the right to criticize the government, and "persecution for criticism is prohibited". Most documents stayed away from freedom of the press, which was interesting. Particularly under the Soviets and also in Mao's China, freedom of movement outside the country was strictly regulated. And all individual liberties proclaimed in principle were in fact subject to the effective political monopoly of the Communist Party. This aspect of communist rule can easily be dismissed as callous hypocrisy, given the police controls actually established. Still, it was interesting that there was a felt need at least to acknowledge these rights on paper.

Respites Government and party control varied in severity. In Russia, the early 1920s were marked by an atmosphere of experimentation, with much discussion of new kinds of marriage arrangements and other innovations designed to spur greater freedom in some respects. On a more limited basis, controls softened somewhat after Stalin's death in 1953, and even more obviously in the transitional period under Gorbachev in the late 1980s. Similarly, the atmosphere in China varied at times, with some limited relaxation after the Cultural Revolution and then again early in the 21st century, when some observers thought that, informally, greater latitude was developing for freedom of thought. Finally, the promise of some intellectual freedom for scientists was not entirely hollow, given the enthusiasm for scientific research and opportunities for interaction with colleagues from other parts of the world. And it is important to note the insistence, in communist law, on legal equality, with greater attention to equality of rights and opportunities for women. Indeed, during the interwar decades Soviets boasted their superiority over Western gender systems, where women were still pushed toward domestic roles.

Social rights The most important contribution of communism in practice to global human rights discussion involved the emphasis on a variety of what might be called collective rights. From the mid-

1920s onward Soviet constitutions made it clear that the most important rights were those involved in ending economic injustice – "the economic exploitation of man by man". Documents emphasized the goal of "free development" for each individual, but this was to be achieved far less by individual political or intellectual rights, more by rights to participation in collective welfare. Thus constitutions proclaimed rights to access to leisure, health care and education. Similarly in China after Mao, and particularly amid the industrial successes of the early 21st century, opportunities to rise out of poverty and share in collective economic advance were the key goals. Some of this alternative rhetoric was hollow, and of course many Westerners prefer to linger over the absence of assurances about the more classic individual rights. But this alternative vision was not entirely divorced from reality, and it clearly put pressure even on Western leaders to expand their definition of rights. This would show for example in the increasing inclusion, even in Western statements, of a "right to education", or in Franklin Roosevelt's dramatic commitment to "freedom from want".

Conclusion Communist regimes must surely be known primarily for their establishment of new levels of authoritarianism and repression of political dissent. However, the principle of rights was not systematically attacked – in contrast to fascism – and innovations in social rights were significant, with global implications as well.

Study questions:

1. Why did communist regimes not simply ignore human rights statements completely?
2. How did the idea of social rights compare to Western rights priorities?
3. How could Soviet leaders argue they were more committed to women's rights than their Western counterparts?

Further reading:

Albert Szymanski, *Human rights: the USA and USSR compared* (Lawrence and Hill, 1984).

Leon Boim, "Human Rights in the USSR," *Review of Socialist Law* 2 (1976): 173-87.

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United Nations and the Charter

United Nations From the standpoint of international law, there is no question that the Universal Declaration of Human Rights, issued in 1948, was a milestone. It was prepared, hesitantly, by the formation of the United Nations three years before. Many smaller countries, including several from Latin America plus many independence leaders in India and Africa, had pressed for a human rights statement as part of the UN charter, but three great powers hesitated: the Soviets because of their forced labor camps, the United States because of racial segregation, Britain because of repressions in the colonies. The United Nations did commit to "promoting respect for human rights and fundamental freedoms for all without distinctions as to race, sex, language, or religion". But the rights themselves were not specified, and member nations were not held to any specific pledges. Nevertheless, a basic international pledge was on the books for the first time.

Preparatory work Over the next few years an international committee, including Eleanor Roosevelt (the president's widow) from the United States and legal experts from Lebanon, China and France, along with philosophical advice from others including India's Gandhi, sought to develop specifics for a further statement. Disagreements surfaced, around the West's emphasis on individual and political rights versus attention to economic rights and duties. But a compromise of sorts was achieved, with Americans accepting some socioeconomic clauses, while in the final vote the Soviet bloc and Saudi Arabia simply abstained.

The Declaration Passed as a nonbinding resolution of the UN General Assembly, the document referred to the "barbarous acts" of the interwar period as it outlawed slavery, torture and degrading punishment, plus arbitrary arrest or imprisonment. Freedom of thoughts, expression, religion and assembly completed the classic agenda. Emphasis on the need for consent to marriage sought to deal with an important

gender rights issue The social domain remained slightly vague, but it included references to a decent living standard, social security, equal pay for equal work, fair job conditions and the right to join unions. The right to education included free and compulsory elementary schooling The Charter was intended as "a common standard of achievement for all peoples and all nations", and did indeed become a foundation for further human rights work by the United Nations and other international organizations as well.

Extensions During the 1950s the UN elaborated its right commitments by setting up a Human Rights Commission to promote and monitor rights. While there was no clear enforcement mechanism, the existence of a standing body, later supplemented by the appointment of a UN commissioner, went well beyond anything attempted by the League. A new Inter-American organization was set up in the same period, and in 1950 a group of European states launched a Convention for the Protection of Human Rights and Fundamental Freedoms. Language from the Charter was also incorporated into a host of constitutions by the new nations emerging from the process of decolonization. Thus the Philippines, in 1946, pledged due process of law, freedom of press and religion, basic social services and gender equality. India's commitment to freedom of religion was a huge step after the Hindu-Muslim conflicts in 1947, and the abolition of castes, including untouchability, was a historic change. Many African states pledged respect for "inalienable rights". Respect for rights was also built into the new constitutions developed in Japan and West Germany. And the list could be easily expanded. Obviously some of this turned out to be hollow rhetoric, but the documents did provide legal bases for action in some cases; and the widespread recognition of rights across regional lines was clearly unprecedented.

Cold War Growing Cold War tensions set the global human rights movement back, particularly during the 1950s – on both sides. Communist states tightened their police apparatus, and forcibly put down major protests in places like Hungary. In the United States, wildly exaggerated attacks on suspect communists led to increased repression, losses of jobs, and some unwarranted arrests.

1960s In the 1960s some relaxation in Cold War hostilities plus the emergence of new issues such as the apartheid system in South Africa prompted the United Nations to take new steps on behalf of rights. (It is also important to note that the Catholic Church at this point committed to acceptance of freedom of religion, in its Vatican II council.) Definitions of rights were reaffirmed, now including the right to vote; an important new stipulation insisted that the death penalty be imposed only for the most serious crimes The UN began requiring member states to report annually on how human rights were being implemented. Regional groups also became more active, in the Americas and in Europe, while in 1986 the Organization of African States issued a Charter of Human and People's Rights. After much debate, in 1967 the UN vowed to study "situations which reveal a consistent pattern of violations of human rights" – including South African apartheid. Here was a very specific move, which contributed, along with internal protest and other international pressure, to the collapse of the apartheid system In the 1990s and the emergence of fervent South African commitment to human rights across racial lines In all this the number of nations contributing to pressures to enforce human rights was broadening: the West still (including Canada, Australia, New Zealand), and Latin America; but now also Japan (pressed domestically to put economic pressure on South Africa for example), and many African states.

Women's rights United Nations rights commitments, finally, included a growing range of activity to promote rights for women. "Year of the Woman" conferences were sponsored every decade after 1965, strategically located in places like Mexico and Kenya were activities would help promote local groups.

Conclusion The Charter and its aftermath obviously invite skeptical scrutiny. The bustle of activity had little direct effect on the Soviet bloc, at least until the 1980s, or the Middle East. Many violations occurred in other areas as well, and enforcement mechanisms were vague at best. Any evaluation must be on a half-empty, half-full basis. The fact remains that the flurry of proclamations, constitutional laws, and international agitation was unprecedented, marking a clear new step in world human rights history.

Study questions:

1. Why did the great powers not take the lead in new international human rights moves?
2. What were the main differences between UN and earlier League approaches to human rights?
3. Why did apartheid draw more, and more effective, international disapproval than the police states of the communist bloc?

Further reading:

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Mary Dudziak, *Cold War Civil Rights* (Princeton University Press, 2002).

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International Human Rights Organizations

Rise of INGOs The growth of International Nongovernmental Organizations after the 1950s was a striking feature of modern globalization. Few had existed before. The London Anti-slavery Society was a vital prototype, to be sure, and its successor continued to work against forced labor. Several of the new organizations responded more fully to the new global human rights mantra, reflecting the spirit that had activated the 1948 Declaration but working as well for its more complete implementation.

Amnesty International Founded in 1961 in the sake of the human rights challenges of the 1950s, Amnesty International plausibly claimed to be the second oldest global human rights group, but with a wider rights agenda from the outset. The movement was launched in Britain by a socialist lawyer who had converted to Catholicism, a Quaker, and other like-minded colleagues. The mission was inspired by the constant outpouring of news about torture, political arrests, violations of freedom of speech and religion. The group believed it could channel the "feelings of disgust all over the world" into a common program of action. Amnesty deliberately targeted abuses in the West as well as communist and "third world" countries. From the outset it relied on public opinion, with membership recruited around the world. (Chapters in Western and Latin American countries were particularly strong.) By 1977 when the group won the Nobel Peace Prize it had publicized over 15,000 political prisoners and had secured the release of half of them.

Expansion As with other aspects of the rights movement, Amnesty steadily expanded its brief, particularly when the Cold War wound down. Opposition to administration of the death penalty in the United States drew growing attention, as did labor abuses in Africa. After 2000 the group emphasized crimes against women, from wartime rape to domestic abuse. At its best, Amnesty could move fast. In 1981 for example, new of a political arrest in Argentina sparked an immediate petition drive, winning release by an embarrassed government within a week. Not infrequently, Amnesty persuaded other entities, for example European governments, to add their pressure as well. To be sure, there were criticisms: even supporters worried that the case-by-case petition approach, while successful in many individual instances, left larger patterns unresolved.

Human Rights Watch – and others Cold War evolution led to the creation of a second major group in the 1970s. A 1975 Western-Soviet meeting led to a mutual pledge to observe human rights, though this was immediately subject to two varying interpretations. Human Rights Watch formed in the United States to monitor Soviet behavior and publicize abuses. But the group sought wide international membership and quickly turned its attention to other issues, such as political oppression in Central America. The commitment to "international standards of human rights" that should "apply to all people equally" mirrored the sentiment of Amnesty International; it also led to a similar kind of expanded range, with growing attention to the death penalty, women's rights and so on. Additional groups also worked the terrain, from a Christian organization, to rights initiatives by physicians and by jurists.

Success stories Probably the groups' greatest impact occurred in Latin America, as part of the turn against authoritarian and military governments in the 1970s and 1980s. Abuses by regimes such as Pinochet in Chile were widely publicized and increasingly resented, as were policies in Argentina to "disappear" opponents of the regime. But there was also headway in Central America, where campaigns helped free a number of imprisoned labor leaders through a combination of local informants and supporters plus the power of wider international publicity. At the same time, the rights INGOs played an important role in coordinating opposition to South African apartheid. On a more individual basis, a number of women sentenced to death for adultery, in places like Nigeria, were also rescued. International

pressure, from the European Union and the papacy as well as the rights groups, may have contributed to the growing hostility to the death penalty in the United States in the early 21st century. The whole phenomenon was an intriguing example of how widely-distributed support for human rights helped fuel a global movement, which bolstered local awareness in turn. At its best, the INGOs, along with initiatives by government groups and the UN, began to make human rights a major diplomatic consideration, arguably a major change.

Limitations The INGOs worked best in regions where there was some commitment to rights in the first place and/or where governments depended to some degree on Western, or Japanese, favor – which might be dented by bad publicity. They had little impact where well-established governments simply refused to admit international embarrassment, frequently expelling the groups or not permitting them to operate in the first place – thus denying necessary information. This limitation, admittedly fairly obvious, would prove particularly telling after 2000, amid a renewed surge of authoritarian governments.

Study questions:

1. What were the main methods of the new INGOs?
2. Why did the INGO movement also generate resistance?
3. Did the INGOs work to maintain Western global dominance?

Further reading:

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Civil Rights Movements and the Expansion of Rights

The 1960s This decade of protest was not primarily centered on human rights concerns: student grievances and the war in Vietnam drew the greatest attention. But new rights targets and supporters bubbled up as well: in Northern Ireland for example, new campaigns for equal rights of Catholics drew growing attention. Agitation against rigid Soviet controls affected parts of Eastern Europe, particularly Czechoslovakia. Efforts to secure greater rights for the aboriginal peoples took shape in Australia. But the most substantial movement, prepared by prior agitation and discussion, saw African Americans and their supporters targeted blatant repression and rights violations in the United States, particularly the South. This civil rights movement, in turn, launched both a recurrent campaign against racial discrimination and other protests against legal and social inequalities.

Civil Rights movement The movement in the United States in the 1960s, headed by figures like Dr. Martin Luther King, focused strongly on public discrimination: all peoples should have equal rights to public seating, shared public swimming pools and fountains, comparable schools. Massive protests were necessary to move this agenda forward, but there was clearly progress. It included reaffirmation of voting rights, with new laws curbing interference in the Southern states. The result hardly won equality: economic disparities and massive differentials in imprisonment marked continued rights issues. Many Whites felt that "their" rights – more properly, privileges – were under threat. But there was change.

"Second wave" feminism Partly in the wake of the civil rights success, but with independent roots as well, a new feminist movement took shape, particularly in Western countries. Many key rights, of course, had already been won. But feminism now sought a more systematic equality with men. This meant more attention to economic rights, including demands for equal pay for equal work. It meant efforts to gain entry to "male" fields such as athletics and the military. Over time, significant successes were registered, and pressure began to develop in other countries as well – for example, against male violence (a key issue in South Asia). (United Nations women's rights efforts played an ongoing role as well.) New problems resulted as well. Feminism now sought equality for women in sexuality, but it also had to guard against sexual exploitation and unwanted contact. By the 1970s this led to the introduction of new terms such as sexual harassment, designed to mark off women's rights to prosecute or shame male offenders. Abortion

was another fraught issue. Second-wave feminists worked hard to allow women to limit their domestic obligations (if they so chose); abortion rights were a key step here, under the mantra "women's bodies, women's rights". But this campaign butted against religious conservatives who insisted, with equal passion, on the "rights" of the unborn. Many Western countries achieved a compromise, with considerable latitude for abortion up to 12 weeks of pregnancy, but then greater restrictions. But in areas where the Catholic Church was more prominent, as in Latin America, abortion "rights" gained ground more slowly if at all. Abortion rights advanced in the United States but amid polarizing debates. Here was an intriguing clash of rights visions.

Gay rights The civil rights momentum helped extend ideas of rights to additional groups. Overweight people claimed rights against dieting requirements, with some success in law. Important movements for disability rights developed, again with some success. The most important extension, however, involved homosexuals. This group had never before been included in rights rhetoric. Attacks on homosexuals varied by place and time, with informal tolerance frequently allowing discreet activities. But pressures against homosexuals had increased by the mid-20th century – including new medical statements on homosexuality as a mental illness; police raids on gay venues stepped up. In response, a "gay pride" movement took shape in many Western countries, eager to apply rights concepts to this cause. Between the 1960s and the end of the 20th century, gay pride demonstrations and clashes with police combined with steady efforts to shift public opinion toward greater legal and social acceptance of gays – increasingly including demands for marriage rights. Beginning in Denmark, a growing number of countries did legalize gay marriage; and public opinion shifted dramatically, particularly after 2000. Controversies continued, with deep conservative resistance; additional rights demands, particularly by transgender people, roused new resistance, though here too there was change.

Gay rights on the global level Globally, however, gay rights proved much more controversial than women's rights. The United Nations human rights group quickly supported this new claim. However, deeply religious regions like Africa, the Middle East and Latin America resisted the claims, sometimes stiffening penalties against gays; the Muslim nation of Bhutan even proposed the death penalty, though this was not enforced. Only tolerant South Africa and a few Latin American countries bucked the trend. Russia and some other East European countries also sought to limit gay rights. On the other hand, gay rights gained in India, where the old British law was finally repealed in 2017; Taiwan and a few other Asian countries also moved to legalize marriage. Here was a rights frontier still very much in dispute, with many conservatives insisting on their "right" to refuse tolerance to gays.

Children's rights The issue of rights of the child was somewhat separate from the larger civil rights movement, but it also came to a head in the later 20th century. The United Nations at various points tried to win agreement on a children's rights statement, but it foundered on wide disagreements about child labor. South and Southeast Asian countries, still heavily dependent on child labor, resisted sweeping statement; so did the United States, which used children as part of migrant farm labor. Finally in 1989 a Convention on the Rights of the Child was issued, ultimately signed by all countries except the United States. The Convention compromised on labor, stating that children must be banned from burdensome or dangerous jobs. But rights to education and health were clearly established, along with exemption from capital punishment. This was an important if qualified extension of the rights idea, which had been percolating since the 19th century. It helped lead to further moves against child labor, for wider schooling – though problems remained; a number of human rights advocates in India, such as Kailish Satyarthi, worked tirelessly to rescue children from inappropriate jobs and promote schooling. Here too, however, in addition to traditionalist resistance, a dilemma surfaced. Some child rights advocates focused almost exclusively on protections against abuse: hence rights to health and schooling. Others, however, thought children should also have rights against adults, even parents, in cases – such as divorce, or freedom of expression in schools – where their interests were involved. This latter idea gained more headway in Western Europe than in the United States.

Ongoing momentum The civil rights movement gained new momentum in the second decades of the 21st century. Police abuses against African Americans in the United States, including a number of killings of unarmed suspects, led to the formation of a new "Black Lives Matter" movement in 2013. The movement was, at base, a classic civil rights effort, aimed at winning equality of rights against discrimination by authorities. The movement gained huge new momentum in 2020 with the police murder

of George Floyd, in Minneapolis. Protests surged in the United States and around the world, leading to wider rights demands by racial minorities in Britain, France, even Japan. The movement also triggered new efforts to win apologies and compensation for colonial abuses against people of color. Here was another open-ended human rights category, moving into the heart of the 21st century.

Study questions:

1. What were the basic rights premises of the civil rights movement? Why did the movement come to embrace so many different issues?
2. What was different about second-wave feminism from earlier feminism, from the standpoint of human rights?
3. What kinds of new rights dilemmas resulted from feminism, gay rights and other new movements?
4. What kinds of global divisions opened up around the new civil rights agenda?

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The End of the Cold War and a New Global Statement

Surge The last great surge of human rights statements at the global level took shape between the mid-1980s and the very early 2000s. Civil rights movements provided some energy. So did the spread of more democratic forms of government, for example in Latin America, displacing authoritarian and military regimes. The loosening of the Cold War in the late 1980s, including new political latitudes within the Soviet Union, and then the fall of East European communism provided the final spur. To be sure, authoritarian regimes were quickly established in Central Asia and Belarus, but there was new opportunity in much of Eastern Europe, soon including opportunities for many countries to join the European Union, with its firm human rights stance.

Vienna declaration In 1993 the United Nations convened only the second general human rights conference since the adoption of the basic Declaration in 1948; the first, in 1968, to celebrate the 20th anniversary had been largely celebratory. The new gathering, which began to be organized in 1989 as communism fell in Europe, took advantage of a growing optimism, though a number of governments were hesitant; as an Amnesty International leader noted, "It is not surprising that governments are not overenthusiastic. After all, they are the ones violating human rights." The new Declaration urged rededication to the human rights cause. It strongly endorsed voting rights – with free choice –as a fundamental right. It stressed the importance of the elimination of global poverty along with conventional human rights, seeking to erase the individual-social boundary. It emphasized the rights of women and children. A long passage, though building on earlier postwar documents, detailed rights to asylum – a category that would become more important again in the 21st century. The result was the longest list of internationally established human rights ever generated. It was at this point that the new position, United Nations Commissioner for Human Rights, was established.

New commissions Headed by Latin American countries and South Africa, the 1990s saw the establishment of a number of "truth and reconciliation" commissions, designed to acknowledge past rights abuses under authoritarian regimes but also clear the air for apologies and forgiveness. The United Nations itself established one, to deal with past abuses in El Salvador. Other commissions investigated war crimes in the former Yugoslavia and Rwanda. More widely, the UN began considering ways to prevent individual states from granting amnesties to gross violators of human rights.

International Criminal Court The idea of prosecuting leaders for war crimes had gained new momentum after World War II, with trials against top Nazi and Japanese officials. This was an important affirmation, at least in principle, that even in wartime certain individual rights must be respected – an idea dating back to the 19th century. Several officials had urged the establishment of a permanent body, but this did not in fact occur until 2002, with the agreement on a new Court to provide ongoing legal oversight over war crimes. Ultimately, over 100 countries signed on (though not the United States). The court did take up rights violations (including attacks on women) in the Balkans and in Africa, with several successful prosecutions. But it also roused much opposition – for example, from African leaders who believed their region was being singled out. And it proved powerless against arguable American violations in the wars in Iraq and Afghanistan, and also against the growing wave of non-state military action. Here was a rights area very much in debate.

A pause? Nothing as bold as the Vienna Declaration or the new Court has been ventured since 2002, though it is important to remember the ongoing expansion of the various civil rights efforts in many countries. There is no question that post-Cold War optimism faded after 2000, with a host of new barriers emerging. Whether this was a pause, or a more fundamental shift, cannot yet be determined.

Study questions:

1 .What was new about the Vienna Declaration?

2. Why did the United States increasingly hold back from international rights agreements?\

3. Was the war crimes category an important human rights issue? Why did it rouse new disputes?

Further reading:

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An East Asian Approach

Human Rights and Neo-imperialism Global excitement over human rights in the 1990s helped trigger a critical countercurrent, with various voices arguing that the rights movement was nothing more than an attempt to impose Western values on the other regions of the world. The end of the Cold War, temporarily reducing global counterweights to the West, also encouraged new concerns. In some cases, the argument went – as in American invasions in the Middle East – human rights concerns helped justify outright military intervention that was little different from classic imperialism. Even where force was absent, there was wide concern that Western countries were trying to impose standards on regions with very different and a distinctive set of problems – including basic economic development – that human rights pressures not only ignored, but actually complicated. Variants of this important argument addressed more specific domains. For example, several feminist intellectuals in Africa argued that Western feminism was a dangerously misleading model, tearing down family structures that had long protected African women. They urged a separate African path to feminism that would take regional traditions into greater account, with less emphasis on individual rights.

China The most coherent overall statement came from East Asia, though it picked up on some themes that had been current since the Mexican and Soviet revolutions and the emphasis on social over individual rights. China launched a new effort in 1991, with a White Paper claiming that “owing to tremendous differences in historical background, social system, cultural traditions and economic development, countries differ in their understanding and practice of human rights.” (The immediate background was the violent Chinese suppression of democratic protests in 1989.) Taking pride in their rapid industrial development and reduction of dire poverty, the Chinese believed that their path provided a truer measure of meaningful rights than the conventional individualistic collection favored by the West and the INGOs. The Chinese document explicitly stated that the right to economic development easily surpassed any other goal, and it required community discipline – fulfilling the key goals of the “Chinese people” who had suffered enough hunger and privation. (Note this approach also implicitly undercut the

idea of an independent labor movement – just as had been the case in the early stages of Western industrialization – but on the basis of community, not individual rights.)

Further statements The Chinese initiative was elaborated in a regional conference in Thailand in 1993, in which East and Southeast Asian governments agreed that human rights "must be considered in the context of a dynamic and evolving process of international norm-setting" that would reflect "national and regional peculiarities" and cultural backgrounds. The government of prosperous Singapore chimed in, noting "an emphasis on the community has been a key survival values for Singapore". From this vantage point, Western rights were simply destructive, tearing down structures that helped prevent crime, family dissolution and other miseries. There was an interesting tension here, in the implication that the West, too, was harmed by its rights approach. And East Asians were quick to seize on Western failures, like the mistreatment of prisoners in Iraq by American forces after 2003. The Chinese government began regularly to report on human rights in the United States, in retaliation for the annual critical review of China and other countries by the US State Department.

Regional autonomy The East Asian push most explicitly rejected the notion of international review. Chinese leaders insisted that human rights were mainly a matter for each individual state. In 1995 the Chinese went on to accuse Western organizations of "imposing their own pattern on others, or interfering with the internal affairs of other countries by using 'human rights' as a pretext." Interestingly, for a moment around 2010, the Chinese official line relaxed a bit, claiming great progress not only on economic and gender rights, but on political rights as well, arguing that human rights advances were an "important mark in the continuous progress of the civilization of human society." But this stance was soon replaced by an even more strident go-it-alone policy after 2013.

The tension The idea of an East Asian approach oscillated between a sincere belief in an alternative vision, with more state authority but more emphasis on community progress, and a barely-concealed justification for simple authoritarianism. Interestingly Japan did not participate in the "East Asian" statements, having gained its own interest in human rights: the Japanese explicitly rejected an argument for cultural zones as opposed to a universalist approach. An increasingly democratic regime in Taiwan also prided itself on human rights gains, as did the government in Hong Kong until the full Chinese takeover in 2020. For its part, Singapore walked a bit of a tightrope: freedom of the press was restricted, a number of political dissidents were arrested, those who violated community norms were often caned (including a hapless American teenager punished for graffiti, despite loud protests from the Western media). But Singapore also signed a number of human rights declarations, for example on women and children, and de facto tolerated increasing gay rights demonstrations. It is also important to remember that Western critics, as well, urged greater restraint in interfering in the affairs of other regions. The debate continued.

Study questions:

1. Is the human rights movement an extension of imperialism?
2. What were the best arguments for the idea of an "East Asian" approach?
3. Were Chinese and Singaporean leaders sincerely devoted to an alternative human rights vision?

Further reading:

Marina Svensson, *Debating Human Rights in China: a conceptual and political history* (Roman and Littlefield, 2002).

Ian Neary, *Human Rights in Japan, South Korea and Taiwan* (Routledge, 2002).

Carol Gould, *Globalizing Democracy and Human Rights* (Cambridge University Press, 2004).

A 21st Century Retreat?

Trends The first two decades of the 21st century were not kind to human rights, particularly in comparison with the 1990s. There were some clear bright spots – the gains in attention to gay rights, for example – and important reginal and national differences. Gender rights continued to advance in many ways, though equality remained a distant goal. But classic criteria such as freedom of the press, freedom from arbitrary arrest, even in some places religious freedom also showed regression overall.

Main setbacks Any review of the early 21st century captures the main developments. The rise of Islamicist terrorism was a huge blow to human rights: the terrorists had no interest in rights; their vision was a state completely intolerant of minorities and women or any idea of individual freedom. The result destabilized rights in several parts of the Middle East but also in parts of subSaharan Africa as a result of non-state violence. Responses to terrorism from the West also cut into personal freedoms in more modest ways, for example on the part of travelers, quite apart from the debatable invasions of Afghanistan and Iraq. More authoritarian regimes gained ground in China after 2013; Russia; Turkey; Hungary; the Philippines; Myanmar and elsewhere, cutting into freedoms of the press and, in China's case, undertaking systematic repression of the Uighur minority. In the United Nations, China and Russia often combined to prevent resolutions favoring human rights, for example in troublespots such as Syria. Western and Japanese responses were sometimes hesitant, reflecting China's new economic clout; under Donald Trump the United States at least briefly lost interest in human rights efforts (2016-20). Further, a growing number of regimes simply expelled human rights NGOs, reducing their effectiveness in combatting the trends. In India the rise of the Hindu nationalist movement involved major new efforts to curtail the rights of Muslims – another example of the new tensions produced by religious fundamentalism. Israel tightened repression of the Palestinians. Finally, in places like the United States, political polarization produced claims by both sides that their opponents were trampling their rights to free discussion, with new efforts for example to circumscribe voting rights and enact restrictions over the content of classroom teaching.

Arab spring Arab Spring risings, mainly in 2010, briefly surfaced a major new human rights push in the region, designed to unseat authoritarian regimes. The first protest followed from police mistreatment in Tunisia. Many supporters of the movement, there and elsewhere, were eager for a fuller installation of political rights, including democratic elections. But the substantial failure of the movement – outside of Tunisia – was more important than the initial promise. New authoritarian regimes were installed in Egypt and Bahrain, while Syria and Yemen collapsed in civil wars that respected no rights.

Immigration Regional economic problems, in some cases climate change, and political turmoil combined to generate a growing number of refugees and would-be immigrants from the Middle East, parts of Africa, and parts of Latin America, with destinations aimed primarily at Western Europe and the United States. In both cases, the numbers overwhelmed the willingness to accept. Both the European Union and the United States – key defenders of human rights traditionally – clearly violated international law in their refusal to accept many asylum seekers and their reliance on intermediaries to reduce the flow regardless of human cost. The problem was undeniably difficult for all parties, but for the moment at least the responses clearly downplayed the rights involved. Even human rights champions like Denmark cut into the rights of immigrant minorities. France undertook some fascinating restrictions on its large Muslim minority, for example banning veils and hijabs (partly in response to terrorism), arguing that these were essential to secure a secular state and offering a somewhat different definition of religious rights from that popular in other parts of the West.

Bright spots Trends were not unidirectional. While the Arab spring failed in the short run, it helped put pressure on regimes such as Saudi Arabia to modify its resistance to key human rights. The President of the Maldives argued that the Arab spring in fact demonstrated the compatibility of Islam and human rights, and it is possible that over time further discussion will occur. Major protests in favor of regimes more supportive of human rights occurred in Ukraine and some other countries, and there were valiant efforts in Belarus and Myanmar. In many regions, including but not confined to the West, intellectual discussions of human rights retained great vigor. Finally, as environmental problems became more apparent, important efforts developed to articulate environmental human rights (referred to already in the 1993 Vienna declaration). People had the right, according to this argument, to be protected from the most

severe results of environmental degradation. Nigerian activists, for example, invoking “environmental rights”, brought suit against oil companies for the damage they caused; they combined the rights argument with Qur’anic justifications for struggles against oppression. A 1992 conference in Rio de Janeiro had in fact ventured a larger Declaration on Environment and Human Rights, that sought to advance key principles – including the relationship between environmental rights and the rights of various ethnic and racial minorities. Here, clearly, was a rights issue that would gain further attention in the future. Finally, the revival and expansion of Civil Rights agitation under banners such as Black Lives Matter and the feminist Me Too movement showed the ongoing commitment to human rights as a means of protesting injustice.

Analogies Particularly because of the rise of authoritarianism and the sometimes weak Western response, some anxious observers saw parallels with the huge human rights retreat that had occurred in the 1920s and 1930s. Others worried about a new Cold War between an authoritarian bloc now championed by China and those regions still committed to liberal democracy – another past pattern that had at least for a decade crumbled human rights efforts. Obviously, the future was unclear. But some of the most fearsome analogies did seem overdrawn: many of the conditions of the interwar period were simply not present in the 2020s.

The Pandemic and human rights Responses to the global pandemic of 2020-21 raised some fascinating issues for the history of human rights. Many people in the affected countries accepted the need for restrictions such as mask wearing and then vaccinations, seeing the disease as a greater threat to personal freedom than new government measures. But there was an intriguing counterresponse, particularly in many parts of the West such as Germany and the United States, urging defiance of mask mandates and other requirements in the name of …human rights. Interestingly, rights disputes were far less pervasive in East Asia, where there was wide acceptance of the need for social coordination – though this was also largely true in Australia and New Zealand. (China indeed touted its government-directed response as another sign of the superiority of its authoritarian system.) Whether the pandemic and responses would have any durable impact on human rights standards was not yet clear.

Study questions:

1. What were the most important new human rights problems in the 21st century?
2. Is it useful to apply human rights argument to environmental concerns?
3. Are human rights gaining or retreating in the Middle East overall?

Further reading:

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