HUMANITIES INSTITUTE
Peter N. Stearns, Ph.D.

HUMAN RIGHTS IN EUROPE

Contents

ANCIENT PERIOD

Classical Civilizations: Greece and Rome

Orientation Like classical China, societies in Greece and then Rome placed heavy emphasis on the importance of political life. In the process they did introduce some ideas and practices that, some rights historians believe, had implications for the developments of ideas of rights later on, both in the West and in Islamic society.

Citizenship Greek and Roman philosophy and political practice most clearly introduced some innovations relevant to human rights. In the Greek city states, for example, people who were citizens had rights to participate in political life (except in periods dominated by tyrants – a major exception). The association between citizenship and rights was an important step. Of course most adults were not citizens – women, foreigners, slaves; again, there is no modern idea of rights here. But the citizenship concept was an important development. Romans would maintain the concept, and Roman citizens had important rights, for example in the legal system, attached to their status.

Natural law and Ius gentium Further, both Greek and Roman political thinkers developed the idea that human society should be organized in keeping with certain natural laws. For Aristotle a political community should reflect natural principles, though he was somewhat vague on their content. The innovation here was the implication that certain basic laws applied to the whole of humanity. Roman legal thinkers carried the idea of natural law further, seeing this as standard against which actual human laws could be measured and, in some cases, dismissed as "wicked and unjust" (as Cicero put it). As their empire expanded, Roman jurists also talked about a *ius gentium,* or law of the peoples, that might apply equally to foreigners and citizens (even though the latter also had their special legal status). Early Christian thinkers, like Tertullian, tried to use the Roman concepts to claim religious freedom from persecution, writing of "fundamental human rights" as a "privilege of nature" (though his arguments did not win imperial favor). However, while the idea of evaluating according to natural law sounded great in principle, it had little impact in fact. And the "law of the peoples" addition could actually constrain it: thus Roman jurists admitted that slavery was against the law of nature (for people be free), but the law of the peoples superseded it, establishing slavery as a common and therefore acceptable human institution. Many applications of the *ius gentium* idea attached to definitions of property rights, available to foreigners as well as citizens.

Limitations Greek and Roman innovations unquestionably provided some basis, and language, for the emergence of human rights thinking later in European history. Again, they should not be pressed too far for the classical period itself. To take an obvious example: claims about widely applicable natural law butted against the fact the legal enslavement was more widespread in Greece and Rome than in the other classical societies. Nor did they have any measurable impact on the treatment of women, viewed as a separate legal category. Rome was in fact frequently fairly tolerant of various religions, but as their recurrent persecution of Jews and Christians demonstrated, this did not follow from any notion of rights.

Comparisons The classical period highlights significant differences in regional approaches to social and political organization, and these differences undeniably help explain why societies in the Mediterranean

tradition were more likely to develop human rights concepts than their counterparts in South or East Asia. But full human rights thinking had yet to emerge anywhere; it is vital to avoid anachronistic analysis. And each of the classical traditions proved compatible with considerable social stability and prosperity, which is one reason people outside the Mediterranean tradition might prefer their own approach.

Study questions:

1. What are the problems in interpreting Greek ideas of citizenship in human rights terms?
2. Does the acceptance of slavery by Greek and Roman thinkers and jurists nullify any apparent advances in thinking about rights?

Further reading:

Richard Bauman, *Human Rights in Ancient Rome* (Taylor and Francis, 2000).

Francis Oakley, *Natural Law, Laws of Nature, Natural Rights: continuity and discontinuity in the history of ideas* (Continuum 2005).

Samuel Moyn, *The Last Utopia: human rights in history* (Harvard University Press, 2010).

POSTCLASSICAL PERIOD

The World Religions: Christianity and Islam

Christianity and Islam on tolerance Christianity and Islam were more legalistic than Buddhism. Both established firm positions on the treatment of other religions, or of sectarian divisions within the faith. Christianity was simply intolerant. People accused of heresy were subject to violent punishment. Jewish communities were sometimes allowed, but with no protections in principle and frequent subject to outright attack. Islam was more nuanced, though there was no tolerance for polytheism, regarded (as with Christianity) as an offense against God. Christians and Jews were seen as "people of the book", and usually allowed to worship upon payment of a special tax, though with limits on the size of religious buildings and other constraints designed to prevent Muslims from being attracted to these inferior faiths. This was a situation of partial tolerance amid legal inequality.

Punishments Both Christianity and Islam proved quite comfortable with extreme punishments for a range of immoral or antireligious behaviors, with frequent applications of physical punishments and even death. This was in a sense the dark side of religious legalism, and would prove to be a challenge for human rights efforts in more modern times.

New protections The importance of behavioral rules in other respects could involve new kinds of protection. Both Christianity and Islam, emphasizing the importance of God's creation and the possession of souls, vigorously attacked the tradition of infanticide as a means of population control. While this did not lead to a proclamation of infant rights, the insistence had a comparable effect. Both religions, again in principle, insisted that marriage should involve the consent of both partners; here too, however, the belief was not firmly codified and, though particularly in Islam, was often ignored in fact. Both religions were uncomfortable with slaveholding, at least if the enslaved shared the true religious faith. In Islam this encouraged some de facto rules, for example banning the sale of family members of slaves who were Muslim.

Islam and rights Islam on the whole went further than Christianity in suggesting other stipulations that might be regarded as rights. Thus women were supposed to share in inheritance. They were allowed to divorce. To be sure, "rights" were not specifically referred to. And legal inequality remained clear: the property shares were less than those of men, divorce procedures were far more complicated. But Islamic legalism arguably represented some advance in principle, particularly when combined with their applicability to all believers.

Christianity and the state For its part, Christianity, if only because of its distinctive historical evolution, introduced a certain sense of division between the state and religious authority that could be relevant for human rights thinking in later periods. Islam, in contrast, emerged in close association with the state, and while it did not actually exercise a greater deal of control over rulers during the period of the Arab caliphates,

it did not set boundaries. Christianity developed as a minority religion within the Roman Empire, establishing separate church institutions that were regarded as distinct from, and spiritually superior to, the institutions of the state. This division was, to be sure, significantly modified once the Roman state adopted Christianity. The Eastern Orthodox version of Christianity, predominant in the Byzantine Empire and later in Russia, did not maintain significant church-state tension. In Western Europe, however, despite frequent church-state collaboration as in the punishment of heretics, a certain division did persist. This in turn gave Christians a vantage point from which certain state actions could be judged immoral and in which the notion of limiting the state for the greater good might take shape.

Natural law Finally, both Muslim and Christian thinkers grappled with the heritage of classical Roman thinking about natural law. For Christian theologians like Thomas Aquinas (1225-74), natural law, though a product of human reason, was seen as compatible with divine law, and it provided a standard by which actual government actions might be judged unjust. "A tyrannical law, though not being according to reason, is not a law, strictly speaking." While Aquinas normally urged political obedience, he explicitly argued that unjust laws need not be followed "if without scandal or greater damage" a person can resist.

Ambivalent heritage During the postclassical centuries, none of the expanding religions created clear impetus for advances in human rights, and in some ways they introduced new barriers while confirming a variety of legal inequalities. But they did introduce new thinking that could, in a somewhat altered environment, prove relevant to human rights ideas.

Study questions:

1. In what ways did the three major missionary religions create new human rights problems?
2. Were Christians more likely than Muslim to reject the use of state power to promote religious gains?

Further reading:

Brian Tierney, *The Idea of Natural Rights: studies on natural* rights*, natural law and Church law, 1150-1625* (Emory University Press, 2001).

Liam Gearon, ed., *Human Rights and Religion* (Sussex Academic Press, 2002).

John Witte Jr. and Frank Alexander, eds., *Christianity and Human Rights: an introduction* (Cambridge University Press, 2010).

The Magna Carta and Human Rights

The issue In 1215 a quarrel between a group of English nobles and the king led to the signing of a document, the Magna Carta or Great Charter, that established at least in principle some new constraints on the actions of the monarch. King John, pursuing expensive wars in France, had attempted to levy new taxes on the nobles, and they resisted. But the document they forced the king to sign went beyond simply addressing this grievance. According to some, the result was a major step in the history of human rights in the West. Against this, the document can be interpreted mainly as an assertion of noble privilege, that only later on – after some serious human rights thinking did begin to emerge, in the 17th century – would be reevaluated as a human rights measure.

Feudalism After the fall of the Roman empire, the idea of monarchy was only gradually recovered in Western Europe. Weak central states created a situation in which landed nobles provided much of whatever order was possible in many regions. These nobles could afford some armed retainers, many of whom were given grants of land as a reward. Small networks developed, with greater lords providing some support and protection, lesser lords pledging loyalty and military service in return – the system that is known as feudalism. Lesser lords, or vassals, were frequently consulted by the lord, and from this they might contend that the lord was obligated to listen to their opinions before taking risky action. Feudal lords also provided law courts for the adjudication of disputes within the group, leading to a belief that vassals accused of some offense had a right to trial by noble peers. None of this spilled over into thinking about the bulk of the population, many of whom were held as serf, but for the nobility itself it could generate some claims about customary rights.

Feudal monarchies In France and England, though in slightly different ways, this feudal system was gradually and partially blended with somewhat stronger central monarchies. Essentially, kings acted like particularly powerful lords, recruiting a growing number of vassals many of whom were substantial lords in their own right. Alongside this system, the Catholic Church had its own claims to spiritual, and sometimes temporal power, in principle somewhat independent from the feudal kings and lords.

Magna Carta Most of the Magna Carta was devoted to clarifying the rights of the noble vassals vis-à-vis the monarch, while also assuring the independence of the Church. Thus the monarch had the right to assign children of the nobility in marriage (the Christian idea of consent was ignored), but only to people of the same social status. Women's opportunities to testify in court were limited. Property rights of Jewish moneylenders were restricted. The document stipulated that if the monarch want to levy new taxes, he must call a great council representing the nobility and higher church officials – here was an idea that, fifty years later, would lead to the calling of England's first parliament and the more general notion that the upper classes should not be taxed without their consent. Overall, the main point was a confirmation of the fact that feudal monarchy represented limited government, not arbitrary rule, and that nobles and the Church had special privileges within this system.

New rights? The fact that feudal kings were constrained was not new, but arguably the emergence of a more formal statement to this effect, and then an institution (parliament) representing the upper classes to provide some check on royal action, were important moves potentially relevant to human rights. It is worth noting that Japan, which also developed a feudal system in this period, did not produce a comparable sense of limitations on the actions of higher lords; greater emphasis was placed on unconditional loyalty. More directly, furthermore, the Magna Carta vaguely stated that "free men" should not be punished disproportionately. Phrases referred to "liberties, rights and concessions" granted to "men in our kingdom" "in their fullness and entirety for them and their heirs…in all things and all places for ever." Judges were instructed to know the law and "keep it well". Mostly, the Magna Carta confirmed special privileges for the upper classes – "rights" that they alone possessed, including trial by their peers. But it did advance the idea of limits on executive power and it did suggest some vague sense that a larger number of Englishmen should be protected from arbitrary acts.

Study questions:

1. Was the development of feudalism an important step in the emergence of human rights in Western Europe?
2. What rights were protected by the Magna Carta?
3. Does the combination of feudalism and the position of the Catholic Church in the West help explain the emergence of human rights ideas? Or were further changes essential to produce any real human rights approach?

Further reading:

James Holt, *Magna Carta* (3rd ed., Cambridge University Press, 2015).

Katherine Drew, *Magna Carta* (Greenwood, 2004).

EARLY MODERN PERIOD

Developments in 17th-Century Europe

Reformation The Protestant Reformation in Europe probably proved to be the most important single source of more definite human rights ideas – at least within key parts of Western Europe. This was not the intent of the religious reformers, nor did the results begin to emerge until the 17th century. Initial Reformers were just as intent as their Catholic opponents in insisting on their monopoly of Christian truth, and just as vicious in attacking and punishing religious dissent. To be sure, in attacking the sacramental power of the priesthood, Protestants did promote a greater sense of individual contact with God and encouraged wider literacy. But they hedged this approach with vigorous promotion of memorized catechisms plus long sermons meant to guide the faithful of their reading of the Bible. The goal was not religious diversity.

Religious conflict But religious diversity was in fact the result, particularly in areas like Germany, the Low Countries, Britain and (for a time) France. Initially, this helped trigger the brutal religious wars of the 16th and early 17th century, in which millions were killed. But this conflict ultimately led to second thoughts about insistence on a single religious orthodoxy, and this in turn opened the way for revival and utilization of other traditions – such as the idea of natural law. Religious controversy inflamed attacks on religious rivals, but it also generated fatigue with conflict and a search for compromise.

New laws and treaties Initial steps occurred both in France and Germany. In Germany the Peace of Augsburg, 1555, attempted a settlement by allowing regional princes to choose either Catholicism or Lutheranism. This was not a gesture toward religious liberty; within a region, there were no rights of dissent. But it did suggest some movement away from defense of a single orthodoxy. In France, an Edict of 1562 sanctioned both Catholicism and Calvinist Protestantism, the first recognition of two Christian religions in a single country. It was opposed by Protestants and Catholics alike – again, there was no sense yet of religious freedom – but it was an interesting move. Later still, the Treaty of Westphalia (1648), the settlement of the brutal Thirty Years War in Germany, allowed German regions to select Catholicism, Lutheranism or Calvinism. Individuals dissenting from the choice was supposed to be free to settle elsewhere. This was a huge step in removing religion as a cause of war in Europe, but again it did not establish durable new rights *within* a region (and even this measure was vigorously opposed by the Papacy). Change came hard.

Ideas of tolerance and natural law At the intellectual level, however, these developments did promote new thinking, from the later 16th century onward. In France Michel de Montaigne, though a loyal Catholic, turned against bigotry on all sides, urging accommodations that would reduce cruelty. Natural law thinking revived, particularly in Britain and the Netherlands (which was becoming de facto a center of religious tolerance, even extended to Jews). The Dutch lawyer Hugo Grotius argued that there was a natural law, common to all peoples and reflecting human reason, against which manmade law should be judged. "Anything that is unjust, which is repugnant to the nature of society, established among rational creatures" should be rejected. Grotius talked of various rights – to property, to parents' control over their children or masters over servants, but he was also interested in rights people had among equals, with phrases like "a state is a perfect body of free men, united together in order to enjoy common rights and advantages>" He also urged that people should have rights even in wartime, against excessive violence or rape (which "should not go unpunished in war any more than in peace") – a strikingly advanced rights argument.

Ongoing debate All of this was still open to massive debate. The 17th century was also the time, in Europe, when many kings talked about their "divine right" to rule; the rise of absolute monarchy saw the reduction of many earlier latitudes, and even the decline of parliaments in countries like France. Other intellectuals, like Thomas Hobbes, urged that governments had the right to impose anything they chose in the interests of stability. And even truly revolutionary measures at the end of the century, such as the English Bill of Rights (1689) still held back from a right to religious liberty, granting political privileges to members of the Church of England over other Protestants and withholding tolerance from Catholics and Jews.

Study questions:

1. What did the religious wars suggest about the status of human rights in European thought and politics?
2. Why did religious conflict ultimately generate new thinking about rights in Europe? How important were earlier European traditions?
3. What were the differences between tolerance and rights, in the context of 17th-century Europe?

Further reading:

Malcolm Smith, *Montaigne and Religious Freedom* (Droz, 1991).

Derek Croxton and Anuschka Tischer, *The Peace of Westphalia* (Greenwood, 2002).

Knud Haakonssen, *Natural Law and Moral Philosophy: from Grotius to the Scottish Enlightenment* (Cambridge University Press, 1996).

The Birth of Modern Human Rights: the Glorious Revolution and the Enlightenment

General factors for change A number of developments in Western Europe, from the late 17th century onward, created a more favorable climate for discussions of people's rights. The breakthrough discoveries of the Scientific Revolution prompted new interest in debating established ideas and new support for freedom from orthodoxy. Rapidly-growing literacy – by the 18th century about 60% of men in England were literate, for example – promoted more diverse expressions of ideas; something like what is now called "public opinion" developed, and this could encourage resistance to heavy-handed repression. On another front, new economic opportunities encouraged some young people to resist traditional parental controls. Thus courts of law, as in Switzerland, began to rule that, if a young person insisted that she could never love a spouse designated by her parents, the arranged marriage was off. In other words, in a period of rapid economic and social change, significant cultural adjustments were occurred, and new interest in rights, of various sorts, was part of the process. None of this made human rights advances inevitable, but the context was changing.

Key causes However, it was the ongoing process of reacting to religious diversity and conflict; of building on earlier efforts to curb the power of monarchs; and of advancing the implications of beliefs in natural law that created the clearest innovations: a decisive, if still limited, statement of rights in British constitutional development; and a growing chorus of intellectual voices eager to define rights and insist on their fulfillment.

The English Bill of Rights After several decades of unrest, involving religious struggles and also conflict between parliamentary advocates and backers of the monarchy, the English factions reached agreement in 1688-89, including an unprecedented Bill of Rights. The bulk of the Bill focused on assuring clearer rights for parliament vis-à-vis the royal executive, including regular meetings. But the document also banned "illegal and cruel punishments" and defended the "right" of subjects to petition the king on any matter, without fear of retribution. The new king promised more broadly to preserve the kingdom "from any violation" of their rights, and there was also reference to "the true, ancient and indubitable rights and liberties of the people of this kingdom". As noted in the previous chapter, limited religious tolerance was also part of the package. This was, by modern human rights standards, a rather vague set of references; specific rights were not clearly enumerated except for the important reference to punishments. And the rights involved were English, not for humanity more generally – a huge constraint. But there was also no question that the document represented major innovation, and it also helped stimulate the wider philosophical discussion.

John Locke Writing the context of the English settlement, John Locke developed a political theory that argued for a basic human legal equality: before governments existed, people shared equal "advantages"; it followed that a legitimate government must respect basic rights to life, liberty and property – including the right to rebel against any regime that violated these fundamentals. Locke did not clearly enumerate the rights governments must respected, beyond property and preservation of life, but he clearly insisted that the state existed "to preserve and enlarge Freedom", not to restrict it.

Enlightenment Relying heavily on Locke and the English example, a host of 18th century thinkers elaborated on the necessity of human freedom, but also developed a more specific list of rights to be sustained. Freedom of speech was high on the list, strongly advocated by widely-popular figures such as Voltaire. Religious freedom was closely linked: as Adam Smith noted, religious zeal could be a real social danger when "only one sect" is tolerated in society. Unduly harsh punishment was the third category, defined particularly by the Italian jurist Cesare Beccaria in 1766, who included state executions among the violations of basic, inalienable human rights. This was a Western-wide movement, with active contributions from Germany as well as France, Italy, Britain and elsewhere, and with an eager audience in places like the British colonies in North America.

Impact Until the 1770s – the first edict actually defending full freedom of speech in practice was issued by a Danish regent in 1770 – unprecedented philosophical defense of rights remained largely theoretical. Many European monarchs, including some willing to consider reforms in other domains, were not interested in restricting their own power. Britain remained a partial exception, of course, thanks to the earlier settlement. Several North American colonies, headed by Rhode Island, installed considerable religious freedom, though this was not yet a uniform commitment. At the same time, Enlightenment thinkers were not just spinning out theories in the abstract; they worked hard to popularize their views. Pamphlets reached a considerable public; growing venues such as coffee houses provided opportunities for excited discussion of new ideas.

Study questions:

1. How did Locke's arguments advance ideas of human rights? How did his approach differ from the principles of the English Bill of Rights?
2. What were the three main rights advocated by Enlightenment thinkers, and why were they so high on the list (as opposed to other possible options)?
3. How did Locke's ideas, and those of the Enlightenment, build on older natural law arguments?

Further reading:
Lynn Hunt, *Inventing Human Rights* (W.W. Norton, 2008).
Gary Herbert, *A Philosophical History of Rights* (Transaction, 2002).

The Long Nineteenth Century and Human Rights

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 20th century, but parts of the agenda were becoming clear.

Nationality rights and "crimes against humanity" Another issue taking shape in the later 19th 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 20th 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 19th 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 19th-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 19th 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 19th-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 18th 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 20th 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 features 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 16th century onward.

Sources of new thinking From the mid-18th 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-18th 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 19th 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 Louveerture, 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 20th 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?

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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 19th century.

19th-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 19th-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 20th 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 19th 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 19th 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 19th 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 20th 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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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 19th-century Western Europe and the United States began to expand the definition of human rights, though the full connections awaited the 20th 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 19th 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 19th 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 19th 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 19th 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 19th 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 19th-century gender rights efforts; what potential goals received less attention?

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Imperialism and human rights

Basic problem Without much question the clearest human rights problem of the 19th 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 20th 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 20th 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 19th-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 violations, 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 19th 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 19th-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?

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20TH CENTURY

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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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?

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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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