Chapter 1

My Brother's and Sister's Keeper

Visions and the Birth of Human Rights

> Am I my brother's keeper?
> —Genesis 4:9

The historical origins of powerful visions capable of shaping world events and attitudes like those of international human rights are rarely simple. Instead, they emerge in complicated and interrelated ways from the influence of many forces, personalities, and conditions in different times and diverse settings, each flowing in its own unique way like tributaries into an ever larger and mightier river. At times they flow gently through the calm meadows of religious meditation, prophetic inspiration, poetic expression, or philosophic contemplation. On other occasions, as we shall see, they smash through human events like torrents through precipitous canyons born of violence and pain from upheaval, enslavement, conquest, revolution, war, torture, and genocide.

Visions of human rights thus are not only complex, they are also often profound and disturbing. The reason for this is that they tend to strike at our very core and make us confront difficult and discomforting issues. They force us to examine critically our very nature, consider what it means to be fully human, view both the best and the worst of behavior, wrestle with how as individuals we ought to relate to others in society as a whole, question the purposes of government and the exercise of power, and especially examine our own values and deeds in response to those who suffer.

One of the most agonizing issues presented by such visions, for example, is whether we have any responsibilities for other people in need or pain. Thoughtful individuals in many different times and places have pondered whether or not we should possess a concern beyond ourselves that extends to others who suffer. If so, they then had to ask further perplexing questions about the extent of concern that have continued for ages: Who is my "brother" or "sister," and what exactly does it mean to be a "keeper"? That is, just how wide should be the circle of responsibility and what form should concern for others take? A sense of obligation to immediate family members or friends and neighbors in close proximity might be readily apparent, but what about those beyond the community, the tribe, the clan, the class, the race, the faith, or, particularly in the

modern world, the nation? Are these duties merely local or are they universal? More-over, and equally troubling, are we obligated to express simply words of sympathy or sorrow over the fate of victims of human rights abuse, or does responsibility entail the need to take concrete action to actually protect those who suffer?

The historical evolution of visions of international human rights that continues to this day started centuries ago with efforts attempting to address precisely these difficult and universal questions when ideas were communicated by oral traditions, inscribed on clay tablets, or written on parchment. It began as soon as men and women abandoned nomadic existence and settled in organized societies, long before anyone had ever heard of the more recent expression, "human rights," or before nation-states negotiated specific international treaties. Moreover, this evolution began not with assertions of entitlements or demands for human rights but instead with discussions of duties.

Religious Visions: Brothers, Sisters, and Duties Beyond Borders

All the major religions of the world seek in one way or another to speak to the issue of human responsibility to others. Despite their vast differences, complex contradictions, internal paradoxes, cultural variations, and susceptibility to conflicting interpretation and argumentation, all of the great religious traditions share a universal dissatisfaction with the world as it is and a determination to make it better by addressing the meaning of human life, the worth and dignity of all persons, and, consequently, the duty toward those who suffer. Each seeks to provide ways that direct personal thoughts and actions away from our own self-centeredness to behaving toward others as we would have them behave toward us. This is approached through various revelations, narratives, poetry, edicts and commandments, and stories or parables dealing with right and wrong, moral responsibility, ethical principles of justice, compassion, the essential dignity of the human person, and the kinship and common humanity of all.

In Hinduism, the world's oldest religion, for example, the ancient texts of the Vedas and Upanishads, among others partly written over three thousand years ago, continually stress that divine truth is universal and that religious belief must be a way of life. These scriptures address the existence of good and evil, wisdom, the necessity for moral behavior, the virtues of tolerance and compassion, and especially the importance of duty or correct action (*dharma*) and good conduct (*sadāchāra*) toward others in need. They enjoin believers to fulfill faithfully their earthly responsibilities to all people beyond the self by practicing selfless concern for their pain, particularly for the hungry, the sick, the homeless, and the unfortunate, as discussed in the *Manava Dharma Sūtra* (Treatise on Human Duties). All human life, despite the vast differences among individuals, is considered sacred, to be loved, respected, and to enjoy freedom from violence. For this reason, Mahatma Gandhi, who in the twentieth century as we shall see regarded himself as a deeply traditional and orthodox Hindu, emphasized the principle of noninjury to others. The edict is stated directly and universally: "Noninjury (*ahimsā*) is not causing pain to any living being at any time through the actions of one's mind, speech, or body."[1]

Genesis, the first book of Judaism's Torah written centuries ago, begins by telling of the shared fatherhood of God to all people and the fundamental importance of the creation of human beings as members of one family and as individuals endowed with worth. A discussion of God's will being worked out in human history, of the sacredness of the individual and the equal value of all God's children, of human relationships, and of explicitly defined responsibilities of individuals toward each other follows. The story of two siblings dramatizes the issue of obligation. When Abel cannot be found, Cain is asked about his brother's whereabouts and well-being. Attempting to avoid blame and any responsibility for murder, he denies knowing and then seeks refuge by posing a universal and enduring question: "Am I my brother's keeper?"[2] His answer is false and his question disingenuous, thereby setting the stage for subsequent teachings about ethical behavior, escape from slavery, social justice, injunctions that government decrees contrary to divine commands should be disregarded, the rights of foreign strangers in one's own land, the existence of one law that establishes a uniform standard of treatment for all, and responsibilities toward others, whether friend or enemy, free or slave, man or woman, young or old.[3] The instructions in Leviticus, for example, are clear: "You shall not oppress. You shall do no injustice. You shall love your neighbor as yourself."[4] The prophets elaborated this message even further, as seen by "The Vision of Isaiah" calling upon all "to loose the bonds of wickedness, to undo the tongs of the yoke, to let the oppressed go free . . . to share your bread with the hungry, and to bring the homeless poor into your house," and thereby "bring justice to the nations."[5] This injunction established a tradition that encouraged believers to extend beyond themselves and take action on behalf of others in this world, observes Jewish theologian Martin Buber in *I and Thou*. Such a process, he writes, "is a matter of leavening the human race in all places with genuine We-ness. Man will not persist in existence if he does not learn anew to persist in it as a genuine We."[6]

The principles of Buddhism were established approximately 2,500 years ago in India by Siddhartha Gautama who deliberately renounced his own position of royal privilege and spent the rest of his life teaching about universal human relationships, profound respect for the life of each person, and compassion in the face of pain suffered by fellow human beings. He explicitly attacked the entrenched and rigid caste system of his day, democratically opening his order to all, stressing the unique value of each individual as spiritual and physical beings, and urging his followers to renounce differences "of caste and rank and become the members of one and the same society" practicing universal brotherhood and equality.[7] The Tripitaka scriptures pay considerable attention to the enduring problem of human suffering (*dukkha*), and stress that one's duty is to overcome selfish desires and private fulfillment by practicing charity (*dana*), lovingkindness (*metta*), and compassion (*karunā*) toward those in need. This ethic forms a part of Buddhism's Ten Duties of Kings emphasizing responsibilities of those who govern for the welfare of people and the Noble Eightfold Path for every believer that includes right thought, right speech, right action, and right effort toward "all beings." It also creates a religious tradition necessary to appreciate the Dalai Lama's more contemporary pronouncement that the world's problems will be solved only by showing kindness, love, and respect "for all humanity as brothers and sisters" and "if we

understand each other's fundamental humanity, respect each other's rights, share each other's problems and sufferings."[8]

The founding of Confucianism by Kong Qiu in China at approximately the same time as the emergence of Buddhism brought still further reflections on human nature and responsible behavior. Indeed, Confucian thought articulated in the *Analects, Doctrine of the Mean*, and *Great Learning* focused much more on human relationships, the perfectability of each individual within the collective, and an ethical life on earth than on the divine or spiritual in a realm beyond. Harmony exists when people overcome their own self-interest and egotism, fulfil their responsibility not to harm each other, treat all others as having worth and "moral force," and acknowledge their common humanity and that "within the four seas, all men are brothers."[9] Human nature is viewed as inherently good, and harsh warnings are given about oppressive or despotic governments that rule by force or exploit their people. When the sage was asked whether there existed any single saying that one could act on all day and every day, he answered: "Do not impose on others what you yourself do not desire."[10] The basis of all the teachings can be found by following The Way (*Jen*), etymologically a combination of the character for "man" and for "two" that names the ideal and universal relationship between humans beings. It has been variously translated as goodness, benevolence, love, and human-heartedness. It represents the virtue of all virtues and the condition of being fully human in dealing with others, involving the display of human capacities at their very best and extending far beyond immediate personal or family relationships to include the world as a whole. As the well-known Confucian dictum explains: "If there be righteousness in the heart, there will be beauty in the character. If there is beauty in the character, there will be harmony in the home. If there is harmony in the home, there will be order in the nation. If there be order in the nation, there will be peace in the world."[11]

Christianity extended this theme of responsibility and compassion. During his ministry two thousand years ago, Jesus challenged the existing order of his day, taught about the value of all human beings in the sight of God, and spoke again and again about demonstrating love and compassion and of the need to give of one's self to others, clothing the naked, healing the sick, feeding the hungry, welcoming the stranger, providing hope to the hopeless, and caring for the oppressed of the world. He demonstrated a level of respect for women, children, outcasts, and outsiders that many of his contemporaries found inappropriate, using one of his most powerful and familiar teaching parables in the New Testament of the Bible to address the larger, universal, and provocative question: "Who is my neighbor?" Jesus responded by telling of a man who fell among robbers. They stripped him and beat him, and left him nearly dead. By chance a priest journeying along the same road saw the victim, yet instead of stopping to help the poor man, the priest turned his eyes away and walked on the other side of the road. A passing Levite did the same thing, refusing to lend any assistance. But a Samaritan, regarded as an outcast in the community, came upon the man and had compassion. He stopped, bound up his wounds, set him on his own donkey, and carried him to an inn where he paid all the expenses until the victim recovered. Jesus then asked which of these three proved neighbor to the man who fell among the robbers.

The man who asked the initial question replied, "The one who showed mercy on him." But rather than simply acknowledging that this answer was correct, Jesus more forcefully said to him: "Go and do likewise."[12] Lest there be any doubt on this matter, the apostle Paul further admonished all believers to recognize that "there is neither Greek nor Jew, nor slave nor free, nor man nor woman, but we are all one in Christ."[13]

The tenets of Islam, founded five hundred years after the lifetime of Jesus and revealed through the writings of Muhammed, also address aspects of being a brother's keeper. This begins with one of the pillars of belief: that of charity, or lifting the burdens of those less fortunate. The scripture of the Qur'an also speaks to matters regarding justice, the sanctity of life, personal safety, freedom, mercy, compassion, and respect for all human beings as rooted in the obligations owed by believers to Allah, or God. Moreover, since Muhammed was not only a prophet and teacher, but also a government administrator and statesman, it is hardly surprising that Islam would recognize the connections between religious faith and the political community. In a society riven with class distinctions, oppression, and the tyranny of vested interests, Muhammed preached an intense message of freedom from the various chains that bind, urging the reduction of injustices born of special privilege and insisting that in the sight of God, all men are equal. Consequently, Islam teaches that there should exist absolute equality among races and that religious toleration should be guaranteed. Muhammed's announcement that "Jews [and later Christians] who attach themselves to our commonwealth shall be protected from all insults and vexations; they shall have an equal right with our own people . . . and shall practice their religion as freely as the Muslims," for example, has even been described as "the first charter of freedom of conscience in human history."[14]

These many and various religious visions—like all visions—expressed ideals rather than reality. They attempted to address, with various levels of simplicity or sophistication, the best of possible human relationships with compassion and justice instead of the worst. This becomes particularly remarkable when one considers that each emerged historically from traditional, premodern, male-dominated societies characterized by considerable disparities, discriminations, hereditary systems of inequality, and hierarchies headed by kings or emperors. Nevertheless, and despite all their efforts, none of these great religious traditions could escape the transformation of belief into institution. In this process, ethical values and spirituality all too often were overwhelmed by practices of secularization, perversion, or corruption in one form or another and in ways that provided a pretext for repression at home and aggression abroad or allowed the powerful to mask their self-interests, ambition, or greed. This is particularly evident among states that claimed to adopt or establish one religion or another, and then proceeded to rule in secular ways that had little or nothing to do with the original vision. Through time, values of simple and unadorned human charity often succumbed to cleverly devised theological arguments and justifications for elaborate rituals and the trappings of wealth and power concentrated in the hands of a few. The ideals of compassion for all those who suffered gave way on many occasions to exclusivity and expressions of special "chosen people," resulting in armed invasion against others in the name of the "Prince of Peace," persecution of "outcasts" or

"untouchables," or "holy wars" of slaughter against "infidels." The principles of justice for all frequently yielded to plush privilege for some, exclusion for others, intolerance, forced conversion, conquest, enslavement, exploitation, or other forms of discrimination based on notions of superiority in belief, gender, race, caste, class, tribe, clan, or some other criterion of difference. In religious terms, humans thus often proved themselves to be precisely that—all too human.

As justified as much of the criticism and skepticism over the innumerable abuses perpetrated in the name of religion surely is, it is essential to remember that throughout the ages there also have always been those who have attempted by word or deed to follow faithfully the precepts of their visionary teachers and prophets and to respond to their calling of being a keeper of brothers and sisters. For this reason, they would completely agree with the proposition that the very idea of human rights is "ineliminably religious."[15] Some became known as the saints of Christianity, the *murshids* and *pirs* of Sufi Islam, the *sadhus* or holy men of Hinduism, or the *bodhisattvas* of Buddhism, while others remained largely unrecognized and unknown to anyone except those to whom they extended selfless compassion and help as an expression of their faith. They lived in particular historical times and places that conditioned and determined what they could reasonably accomplish. Perseverance did not necessarily require success. Nor did these general religious concepts of responsibility developed in traditional and hierarchical societies that far predated the printing press, nation-states, and modern concepts of individual rights contain the precise political, philosophical, legal, or subtlety nuanced definitions of "rights discourse" of our own day. At this early stage, they simply could not. Instead, they began by reflecting an orientation of heart and spirit. If the tenets of helping those who suffered fell short in actual practice or precision, that did not diminish the ultimate value of the ideal as a goal toward which they or subsequent generations would strive.

In so doing, those largely unknown and unassuming men and women who rejected prevailing practices and attempted to follow the precepts of their faith demonstrated that religious beliefs matter, and for some people they matter greatly. They left a legacy that eventually made three critical contributions to the evolution of international human rights. In the first place, they established visions of timeless ideals and normative standards about the dignity of all human beings that inspired and sustained those who campaigned for human rights, especially during times of persecution and suffering. These provided hope beyond the world that they knew for a world that might be, stressing that people could do what they should do. Second, by seeking to develop a moral imperative or universal sense of obligation toward all, these religious traditions helped establish an ingredient essential for any and all international human rights: a concept of responsibility toward common humankind. Assertions for human rights in one place would have remained forever unanswered, isolated, or localized unless there had been people elsewhere in the world who believed that they had larger responsibilities, or "duties beyond borders,"[16] to protect others regardless of station or location. Third, by developing concepts of duties, these religious traditions provided a inherent beginning for discussions about rights. They were not so much interested in the claims of individuals against governments or others as in ways of ordering life in the human

family collectively so as to ensure dignity and worth for all of its members. They understood that, however inspiring words might be, implementation required practical action. In this regard, they saw responsibilities and rights as interrelated and correlative concepts: that a duty is something one owes to someone else, and that that person, in turn, has a right to claim that duty. As Gandhi insightfully observed, "The true source of rights is duty."[17] Thus, ideas about human duties, or what one is due to do, led quite naturally to ideas about human rights, or what is due to one.

Philosophical Visions: Human Nature, Natural Law, and Natural Rights

If religious belief provided one source of tributaries into the ever expanding and evolving river of thought about what would eventually be described as international human rights, moral and political philosophy contributed others. Over the centuries, philosophers in many diverse times and places wrestled with difficult questions about reciprocal relationships between human beings both as individuals and as members of communitarian society. Sometimes without any particular religious orientation at all, they too pondered the meaning of human nature, social justice, the universality of fundamental principles, moral responsibilities to brothers and sisters, whether traditional rules-based societies should be transformed into rights-based societies, and the appropriate role of governments in the lives of their people. Despite their many differences of perspective and cultural tradition, they all sought understanding not through the revelation of religious belief or metaphysical foundations, but rather through secular inquiry and human reason.

Nearly twenty-four centuries ago in China, for example, Mo Zi founded the Mohist school of moral philosophy. His writings emphasized the importance of duty, self-sacrifice, and an all-embracing respect toward all others, not confined merely to members of family or clan, but, in his words, "universally throughout the world."[18] Shortly thereafter, the Confucian sage Meng Zi, or Mencius, argued that "all human beings" naturally share a common humanity, moral worth, inherent dignity and goodness, and a compassionate mind that cannot bear to see others suffer. In one of his most celebrated passages, he writes:

One who lacks a mind of pity and compassion would not be human. One who lacks a mind that feels shame and aversion would not be human; one who lacks a mind that feels modesty and compliance would not be human; one who lacks a mind that knows right and wrong would not be human.[19]

It is the responsibility of governments, he argued, to nurture these natural qualities through benevolence and proper moral behavior. If rulers failed to do so through oppression, they lost what was called the Mandate of Heaven and thereby forfeited the legitimacy to govern. Thus, in language recalled with considerable pride by Chinese human rights activists in later centuries, Mencius declared: "The individual is of infinite value, institutions and conventions come next, and the person of the ruler is of least significance."[20] The ancient philosopher Xun Zi asserted the same principle when he

wrote emphatically: "In order to relieve anxiety and eradicate strife, nothing is as effective as the institution of corporate life based on a clear recognition of individual rights."[21]

Philosophers from other areas, cultures, and traditions made contributions as well, each in a distinct way. King Hammurabi of Babylon proclaimed the necessity to honor principles of justice and thus created one of the earliest legal codes to govern behavior. "Let the oppressed man," he said, "come into the presence of my statue" to seek equal protection under the law.[22] Precepts from ancient Egypt sought to address explicitly issues of social justice and help for the weak by injunctions to "comfort the afflicted. . . . Refrain from unjust punishment. Kill not. . . . Make no distinction between the son of a man of importance and one of humble origin."[23] One pharaoh instructed his viziers to "make sure that all is done according to the law, that custom is observed and the right of each man respected."[24] Early Sanskrit writings from the Indian subcontinent specifically spoke of the responsibility of rulers for the welfare of people by declaring: "No one in his dominion should [be allowed to] suffer . . . either because of poverty or of any deliberate action on the part of others."[25] In the third century B.C., the devout Buddhist and Indian leader Asoka issued edicts that guaranteed freedom of worship and other rights for his subjects. Others argued for impartial justice and social equality, maintaining, "Just as there is no distinction of classes among the fruits produced by one tree . . . in the form: 'this is a Brāhmana fruit,' 'this is a Ksatriya fruit,' etc., because they are all produced by one tree, even so there is no distinction [of castes] among men because they are all created by one Supreme Being."[26] The Hindu philosopher Chaitanya reinforced this same idea during the sixteenth century, as did others who argued against any distinction that would perpetuate an "untouchable" category of people, asserting simply: "There is only one caste—humanity."[27] Much later, the Sikh leader Guru Gobind Singh also proclaimed the need to create a global society by the universal emancipation of mankind from oppression and the elimination of caste distinctions, instructing his followers to "recognize all the human race as one."[28]

Similar philosophical positions expressing respect for the dignity of each person, protection of individuals, ethical behavior toward others, social justice, and law or rules above arbitrary power can be found in other areas ranging from the Middle East and Africa to pre-Columbian civilizations in the Americas. Cyrus the Great, for example, promulgated the famous "Charter of Cyrus" in the Persian empire more than two thousand years ago, recognizing certain rights of liberty and security, freedom of movement and religious belief, and even certain economic and social rights, thereby inspiring Sultan Farrukh Hablul Matin to write:

For he, it was who, with supreme insight,
Launched an Empire based not on physical might
But on the vision of a family of nations
Linked by bands of Humanity, truth, and right.[29]

Abu Al-Farabi, an Islamic philosopher of the tenth century, wrote further of a vision of a moral society in which all individuals were endowed with rights and lived in charity with their neighbors.[30] Simple tribal communities relying on oral traditions rather than written language also produced concepts that contributed ultimately to discussions

about human rights. A number of traditional African societies, for example, developed ideas about distributive justice designed to ensure the welfare of all and evolved a variety of thoughts about ways to offer protection from the abuse of political authority.[31] Others created sayings or proverbs to express their beliefs, such as that from the Akan tribe of Ghana warning, "One should not oppress with one's size or might."[32] A Burundi proverb expressing the importance of equality said simply, "Imana [God] creates men and draws no distinction between them."[33] Asserted an old Djerma-Songhai adage: "You should not [have to] solicit what is yours by right."[34]

Early ideas about general human rights thus did not originate exclusively in one location like the West or even with any particular form of government like liberal democracy, but were shared throughout the ages by visionaries from many intellectually rich cultures in many lands who expressed themselves in different ways. Although it is necessary to guard against the shallow and unhistorical view that all societies somehow have always subscribed to the same basic beliefs and values, it is also essential to recognize that the moral worth of each person is a belief that no single civilization, or people, or nation, or geographical area, or even century can claim as uniquely its own. The issue of human rights addresses age-old and universal questions about the relationship between individuals and their larger society, and thus is one that has been raised across time and across cultures. Indeed, as one insightful authority writes: "The struggle for human rights is as old as [world] history itself, because it concerns the need to protect the individual against the abuse of power by the monarch, the tyrant, or the state."[35] What the West did provide, however, was not a monopoly of ideas on the subject but rather much greater opportunities for visions such as these to receive fuller consideration, articulation, public declaration, and eventual implementation.

At approximately the same time as Mencius, for example, a tradition began with a number of classical Greek philosophers who argued that a universal law of nature pervaded all creation. This law, they claimed, was eternal and universal, and thus placed well above and beyond the narrow and self-serving dictates of a particular state, the rules of a specific society, or the will of a single lawmaker. It governed every aspect of the universe and provided a framework for rights. Human conduct should thus be brought into harmony with this law of nature and judged according to it.[36] In his *Republic*, for example, Plato argued that a universal standard of moral justice exists that transcends immediate circumstances and allows people in different political systems to recognize that some actions are clearly just and others unjust. Zeno of Citium spoke extensively of a universal law that binds all together. Aristotle followed in *Politics* by claiming that human nature can best be perfected when people are good citizens in a good political order and that what is "just by nature" is not necessarily just by the laws of men. This theme is perhaps best represented by the example from Greek literature of Antigone, who, on being reproached by the king for refusing his command not to bury her slain brother, asserts: "I did not think your orders were so strong that you, a mortal man, could over-run the gods' unwritten and unfailing laws. Not now, nor yesterday's, they always live, and no one knows their origin in time."[37]

The Roman Stoic philosophers who followed extended these ideas by contending that the law of nature provided the rational and egalitarian principle governing the

entire universe. They conceived nature as a universal system of rules both physical, such as the law of gravity, and ethical, such as the obligation of all beings to respect one another as equals. It could be known through "right reason" inherent in the human mind, and if properly understood and followed, could guide all people toward perfection. Marcus Tullius Cicero, to illustrate, argued in *On the Laws* that this natural law, founded "ages before any written law existed or any state had been established," provided the source of "universal justice and law" for the world with directions to act justly and "be of service to others." As such, he claimed, this natural law "binds all human society" together, applies to every member of "the whole human race," marks the unique dignity of each person, imposes on all of us responsibilities to be keepers of others, and provides "eternal and unchangeable law . . . valid for all nations and all times."[38] The *Institutes* of Justinian made explicit that the principles of law were to live honestly, to hurt no one, and to give everyone their due while observing that "Justice is an unswerving and perpetual determination to acknowledge all men's rights."[39] With this in mind, Roman jurists continued to develop a remarkable body of law known as the *jus gentium*, or law of nations. They claimed that this law derived from nature rather than the state, and, therefore established certain universal duties and rights that extended to all human beings as members of the world community as a whole.

For centuries most of these early philosophical theories of natural law—just like those of religious doctrine—focused on universal responsibilities and duties rather than what are now described as rights. But the modifications of theories and then the transformations of theory into practice, as we shall see constantly, always have been tied to particular political, economic, social, and intellectual upheavals throughout history. For concepts of natural rights to come to the fore, major changes in the beliefs and practices of society needed to take place. In this regard, movements of monumental proportions, extending over a period of five hundred years, began to take place in Europe. The decline of feudalism and the expansion of commerce, for example, gave economic and then political power to an emerging middle class anxious for individual freedom. At the same time, the Renaissance and Reformation paved the way for personal intellectual and spiritual emancipation. In this context, resistance to political and economic bondage and to religious intolerance grew, criticisms that rulers had failed to meet their natural law obligations increased, and interest in freedom and individual expression expanded to unprecedented levels.[40] In the realm of politics, for example, the forcing of the Magna Carta from King John by the barons of England in 1215 helped to establish the principles that limits must exist on the powers of royal government, that kings must respect rights, and that liberties could be guaranteed by law. "To no one," read the text, "will we deny or delay right and justice."[41] The Magnus Lagaboters Landslov issued by King Magnus of Norway in 1275 went further by promising equality before the law.

In the realm of ideas, interest in rights followed in the wake of a growing religious consciousness of humanity. Christian philosophers like Saint Thomas Aquinas, for example, redefined the system of natural law as being divinely willed, and posited the duality of human existence wherein all people were subject both to the authority of humankind and to the authority of God. Aquinas believed that the living out of justice

toward others represented a living out of the love of the divine, and thus posited the radical concept that if laws were not just then people had the right to disobey them. Given his further belief in the dignity of all, this made natural law theory support the important human rights principle that every person is an individual apart from their membership in a particular state. By the early fifteenth century, the French writer Christine de Pizan began to argue that any discussions about natural law needed to include women.[42] These concepts received even further elaboration in the writings of Christian humanists and reformers who drew on religious precepts of duty and compassion as well as principles of moral philosophy in championing political and social reform, ethical behavior, and human dignity. "I would ask you to love one another," said the Czech professor Jan Hus just before he was burned at the stake, "not to let the good be suppressed by force and to give every person his rights."[43] "The doctrine of Christ," continued Erasmus of Rotterdam in the same spirit, "casts aside no age, no sex, no fortune, or position in life. It keeps no one at a distance."[44] All of this contributed to a considerable expansion of interest in justice, equality, and individual freedom, and thus to a corresponding shift from natural law as duties to natural law as rights.

A further transformation in the process of viewing natural law as entailing natural rights for all human beings occurred during the seventeenth century. The scientific revolution that expanded knowledge of physics, mathematics, astronomy, and medicine to previously unimagined levels also created a secular intellectual milieu that encouraged a belief that reason could not only discover rational and universal laws in nature but in human affairs as well. In the world of ideas, the great Dutch jurist and diplomat who founded modern international law, Hugo Grotius, argued in *De jure belli et pacis* (On the Law of War and Peace, 1625) that natural law, both physical and moral, existed independently of any political power or authorities. It thus stood above all human-created governments and served as a measuring rod against which the laws and practices of any regime could be judged, he declared, and provided all humans with certain "natural rights" of protection and just and equal treatment without regard to any religious or civil status. Interestingly enough, similar ideas were being considered during exactly the same century by the Chinese philosopher Huang Zongxi who wrote in a book banned almost immediately that attention needed to be shifted from the exclusive rights of rulers to those of people.[45]

In the world of politics, events testified to the growing opinion that all human beings were endowed with natural rights that claims of "divine right" by kings simply could not diminish. Rebellions in France and Spain, for example, championed the right to resist abusive, absolutist governments. As the Dutch declared in their revolution for independence against the Spanish king: "God did not create the subjects for the benefit of the Prince, to do his bidding in all things, whether godly or ungodly, right or wrong, and to serve him as slaves, but the Prince for the benefit of the subjects . . . to govern them with justice and reason."[46] Further upheavals in England resulted in the Petition of Right of 1628 reasserting the right to be free from arbitrary arrest and imprisonment. More than forty years of English civil war, revolution, and turmoil, complete with the beheading of a king and the rise of a parliamentary dictator, produced a number of significant developments. One of these was the rise of a democratic movement

known as the "Levellers" whose program of action entitled "Agreement of the People" called for guarantees of the "native rights" of all to life, property, election of their representatives, freedom of religion, and freedom from conscription.[47] In 1679 Parliament passed the Habeas Corpus Act establishing the right to be protected against arbitrary detention and then the 1689 Bill of Rights, a monumental landmark in the history of civil and political human rights. Its specific provisions speak forcefully about limited monarchy, security of law and property, representative government and free elections, freedom of speech, religious toleration, trial by jury, and prohibitions against cruel and unusual punishment—all in the name of "ancient" and "undoubted" rights and all designed to protect people "from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights, and liberties."[48]

These tumultuous developments also witnessed the emergence of the pivotal philosopher John Locke. Beginning with his strong religious belief in "our duty to God and our fellow creatures," he sought to explain the relationship between responsibilities, natural law, and natural rights.[49] First with his *Letter Concerning Toleration* (1689), partly written while in exile, and its forceful argument on behalf of freedom of religion and conscience and then his *Second Treatise of Government* (1690), one of the most influential political treatises of all time, he stressed that every individual person in the "state of nature" possessed certain "natural rights" prior to the existence of any organized societies. This concept applied, importantly, not just to those in Europe, but to "common humanity" and "governments all through the world." People are born, Locke declared, in a "state of perfect equality, where naturally there is no superiority or jurisdiction of one over another." All humans, irrespective of the particular socioeconomic, cultural, or political conditions under which they live, he wrote, thus possess, "a title to perfect freedom and uncontrolled enjoyment of all the rights and privileges of the law of nature equally with any other man or number of men in the world and have by nature a power not only to preserve his property—that is his life, liberty, and estate—against the injuries and attempts of other men, but to judge and punish the breaches of that law in others."[50] From this premise it followed that people had formed societies and set up governments mainly to preserve those rights, not to surrender them. As a consequence, governments received their powers from the governed with whom they signed a contract. Any government that acted without limits imposed by the consent of the governed and thereby violated their natural rights, said Locke, thus dissolved the contract and gave people a right to resist. Such an argument and a vision for individual freedom rights, of course, was not only revolutionary in an age of entrenched privilege, but remains so in abusive regimes today.

Inspired by the provocative and suggestive theories of Locke and encouraged by the dynamic temper of the time, leading intellectuals of the eighteenth century known as the *philosophes* sought to free the individual from dogma and traditional authority. The French philosopher and visionary Jean-Jacques Rousseau wrote explicitly of the "rights of man" in his *Contrat social, ou Principes du droit politique* (1762), crying: "Man is born free, but everywhere he is in chains."[51] He and his intellectual colleagues like the Baron de Montesquieu, Voltaire, David Hume, and the Marquis de Condorcet called their movement the Enlightenment, the dawning of a new age of knowledge. Their interests

focused not so much on abstract system-building but instead on how a transcendent God, Nature, and/or Reason made it possible for them to be "a brother's keeper" by applying science and specific reforms to long-festering human problems of economic exploitation, social suppression, political despotism, torture, superstition, and intolerance. For German philosopher Immanuel Kant this position resulted in his powerful assertion of a "categorical imperative": a universal duty to protect the intrinsic worth of all individuals in order that human beings are never treated as means, but always as ends in themselves.[52] Benevolence, a moral sense of obligation for the welfare of others, and the application of "a right to do, posses, or demand" those things that would enhance the general good of all, wrote the Scottish philosopher Francis Hutcheson in his *System of Moral Philosophy* (1755), represented the height of personal and civic virtue.[53] Collectively, these philosophers developed the concept that the fundamental rationality in the laws of nature could be applied to various aspects of the human condition, thus making humanity and society more rational and more perfectible through human effort. By extension, they said, such progress could result in greater happiness and liberty for all "without distinction of race or sect, towards perfection and happiness."[54]

Other philosophers of the Enlightenment sought to make this connection between natural law and rights even more explicit, perhaps being aided by the fact that in French the word *droit* covers both meanings. In the entry on "Natural Law" in his *Encyclopédie* (1755), for example, Denis Diderot wrote that the laws of nature provide the most basic foundation for human society by defining what is naturally and universally just for all human beings without any reference to kings, aristocracy, popes or bishops, class, country, or time period. Using the language of equal, individual human rights for all, he challenged existing authority and asserted, "Tell yourself often: I am a man, and I have no other true, inalienable *natural rights* than those of humanity."[55] Shortly thereafter, Voltaire wrote his *Treatise on Toleration* (1763), arguing that natural law guaranteed the right of all people to freely practice their religion without fear of persecution. Cesare Beccaria followed immediately with his *On Crimes and Punishments* (1764), advancing powerful arguments against the then-common practices of cruel treatment, brutal torture, and the death penalty, and writing what subsequently became the credo of many human rights activists:

If, in the course of upholding the rights of men and invincible truth, I should contribute to saving an unhappy victim of tyranny or of equally pernicious ignorance from suffering and the anguish of death, then the blessings and tears of that one person overcome with joy would console me from the contempt of all humanity.[56]

Abbé Guillaume Raynal then used his *Philosophical and Political History* (1770) to denounce slavery as a travesty against natural law and a gross violation of the natural rights of its human victims.

Such philosophical ferment and evolving expressions of natural law and natural rights, stressing as they did "inalienable" and "unalterable" rights possessed by all people from abuse whether in politics, trade, societal conventions, intellectual endeavors, or religious belief, provided inspiration and justification for the revolutionary struggles

against absolutist regimes that convulsed the West at the end of the eighteenth century. In fact, the abject failure of European monarchs to modify their privileged positions of power and thereby respect the most basic principles of freedom and equality inherent in natural law philosophy provoked the challenges in the first place. As one leading scholar writes, "absolutism prompted man to claim [natural, or human] rights precisely because it denied them."[57]

The first successful challenge to such absolutist authority came when the American colonists revolted against their British masters by firing those shots "heard around the world" due to their vast implications. The tenets of the Enlightenment increasingly separated many in the colonies philosophically from absolutist monarchies, while at the same time the Atlantic Ocean separated them geographically from the threat of immediate government coercion. Together, these afforded an opportunity perhaps unique in history for considerations of greater freedoms for the individual. Indeed, even prior to the revolution, the First Continental Congress enacted its own Bill of Rights in 1774, invoking entitlement to "life, liberty, and property" for all men. Lest such rights be restricted, and the expression "men" not refer to all people, Abigail Adams warned her husband to "Remember the ladies."[58]

Explosions of discontent into violence and then war produced further elaboration on human nature, natural law, and natural rights. Carefully schooled in the philosophy and political theory of the Enlightenment, for example, Thomas Jefferson had no trouble in asserting that his countrymen were a free people "claiming their rights as derived from the laws of nature and not as the gift of their Chief Magistrate."[59] The Virginia Declaration of Rights, written by his principled friend George Mason, argued that not just Virginians or even Americans, but "all men are by nature equally free and independent, and have certain inherent rights."[60] This language was followed shortly thereafter by one of the most eloquent statements of protest and visions of rights to ever emerge. Writing with his goose-quilled pen, Jefferson gave expression to the philosophy of the time in the Declaration of Independence of 4 July 1776 by referring to "the laws of Nature and Nature's God." He stated the case for universal rights with these dramatic words:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of those ends, it is the right of the people to alter or to abolish it, and to institute new government.[61]

This declaration was the most radical document Americans had yet produced—radical in its declaration of complete independence and radical in the rights it asserted for all.[62] It also was a call to revolution, of course, not only in the New World, but in the Old as well; for as Jefferson would go on to write: "a bill of rights is what the people are entitled to against every government on earth."[63]

Encouraged by this successful American Revolution, and pressed to the breaking point by its own internal problems and pressures, France also exploded into violent

upheaval in 1789. The resulting French Revolution not only destroyed a despotic monarch and the privileged elite of the old regime in France, but through its actions and its ideology proved to be one of the most profound revolutions in history. Even before the fall of the Bastille prison on 14 July, revolutionary leaders sought to proclaim a declaration of rights not just for themselves, but for the world. Inspired by their own *philosophes* and by the American Declaration of Independence, men like Abbé Sieyès and the Marquis de Lafayette, who had participated in the American Revolutionary War and who knew Jefferson well, spoke forcefully for the need to declare publicly the "natural rights" of all people. As their colleague Duke Mathieu de Montmorency asserted in one speech that caused a sensation, "The rights of man are invariable like justice, eternal like reason; they apply to all times and all countries. . . . Let us follow the example of the United States: they have set a great example in the new hemisphere; let us give one to the universe."[64]

The force and inspiration of their argument when combined with the upheaval of revolution quickly led the deputies in the National Assembly to proclaim loudly and vehemently their own Declaration of the Rights of Man and Citizen. Here they asserted that all men "are born and remain free and equal in rights," that these rights were universal and "natural and imprescriptible," and that they included "liberty, property, security, and resistance to oppression."[65] The Declaration of 1789 sought to give more precise definition to these concepts by delineating political rights to vote and participate in the process of politics and several very specific civil rights: equality before the law, protection against arbitrary arrest or punishment, the presumption of innocence until proven guilty, freedom of personal opinions and religious beliefs, freedom of expression, and the right to possess property. By making the language of this declaration an integral part of their new constitution, the deputies transformed their vision of natural rights into positive national law. They established that the legitimacy of government no longer derived from the will of the monarch and a traditional order based upon privilege and hierarchy, but instead from the guarantee of individual rights under the law. The impact of this declaration on France and on other countries and peoples in the world struggling against oppression would be profound, and soon led the historian Lord Acton to describe it as "a single confused page . . . that outweighed libraries and was stronger than all of the armies of Napoleon."[66] Indeed, according to one authority, it "remains to this day the classic formulation of the inviolable rights of the individual vis-à-vis the state."[67]

The Declaration of the Rights of Man and Citizen immediately inspired additional efforts as well, for it demonstrated a level of success and attention that others sought to emulate.[68] In the one single, extraordinary year of 1791, for example, any number of developments shaping visions of human rights occurred. New articles of the French constitution specified protection by law of civil and political rights, including those of freedom of thought and worship, to Protestants and Jews who had been persecuted under the old regime. Additional provisions mandated public relief for the poor and free public education, items completely unknown in other constitutions of the time and ones that would come to inspire what eventually would be called social and economic rights. A self-educated butcher's daughter, Olympe de Gouges, issued her own

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More Powerful Than Libraries and Armies: The Declaration of the Rights of Man and Citizen, 1789 (United Nations Photo).

Declaration of the Rights of Woman and Citizen, declaring that "woman is born free and remains equal to man in her rights," and virtually shouting: "Women, wake up; the tocsin of reason sounds throughout the universe; recognize your rights!"[69] In the National Assembly, the Marquis de Condorcet similarly attempted to make certain that the proclamation of these rights applied to women as well, pointedly observing that they played a vital role in the revolution itself and comprised half the population. "Either no individual of the human race has genuine rights, or else all have the same," he argued, "and he who votes against the right of another, whatever the religion, color, or sex of that other, has henceforth abjured his own."[70] The slaves of Saint Dominique (now Haiti) also demanded equal rights and launched a massive and bloody revolt against their white owners in order to obtain them. In the United States during the same year, a majority of states ratified the first ten amendments to the Constitution, protecting by law the civil and political rights of individuals against the power of the state and the tyranny of the majority, and appropriately described as "The Bill of Rights."[71] At the same time in England, the impassioned writer Thomas Paine published his sensational and provocative *Rights of Man*. Drawing on the theory of natural law and natural rights, he introduced the specific expression "human rights" perhaps for the first time.[72] He gave credit to religious traditions for observing the unity and equality of all humankind, and then argued that universal natural rights for individuals provided the original source of all subsequent rights for members of society. "Man did not enter into society to become *worse* than he was before, nor to have fewer rights than he had before," claimed Paine, "but to have those rights better secured."[73] Moreover, he returned to the earlier theme of responsibility for being a "keeper" of others by explicitly responding to the French Declaration in these terms: "A Declaration of Rights is, by reciprocity, a Declaration of Duties also. Whatever is my right as a man is also the right of another; and it becomes my duty to guarantee as well as to possess."[74]

By the end of the eighteenth century, therefore, any number of highly diverse philosophical visions addressed issues of human rights in one form or another. At times both partial cause and effect of revolutions themselves, most stressed the existence of a relationship between human nature, natural law, and natural rights. Some of these visions became embodied in positive national law that emphasized secular and democratic values and sought to provide protection for individuals in the exercise of civil and political rights such as freedom of speech, press, religion, and assembly. Others waited for more than two centuries to be realized in practice, if even then. Moreover, at this stage these visions spoke in expansive philosophical terms, often raising more questions than providing answers about precise definitions of rights, the distinctions between "freedom to" and "freedom from," the rights of individuals and the rights of communities composed of individuals, and the mechanisms for the enforcement of rights and duties.

Most important, these early philosophical and secular visions of human rights also shared several fundamental features with the religious visions that preceded them. They revealed that ideas matter in history, and that for some people they matter enormously. Like all visions, they spoke to an ideal rather than a reality. Abstract theories, as we shall see shortly, did not always become actual practice. But by raising visions of the

best rather than the worst in human nature they, like their religious counterparts, contributed essential elements to the slow but steady evolution of international human rights. They helped to build an ideal that inspired the creation of normative standards and actions around the world in the centuries that followed by arguing that we are able to do what we should do. These visions greatly enhanced a universal sense about the essential unity of humankind and the larger responsibilities to be keepers of brothers and sisters elsewhere. Finally, they added the force of their considerable influence to the realization, articulated so well by Thomas Paine, that rights and duties are linked inextricably.

Traditional Practices and Ideas of a Very Different Sort

These visions of human rights did not go unchallenged. Indeed, others vehemently contested both their claims and their dreams. If ideas can be weapons, then these provided the arsenal of the dominant counterforces. Instead of seeing the possibilities for the best in human nature, they often saw the worst and had much history to support them. Rather than the universal, or what people share in common, they stressed the particular, or what divides them. In place of rights, they demanded obedience. Instead of justice, they wanted privilege. Rather than change, they pressed for tradition and continuity. In place of equality, they insisted on hierarchies. Instead of unity, they sought identity in terms of differences and distinctions based on caste or class, race, gender, belief, ethnicity, or place of origin in such a way that others could be regarded as not fully human and therefore not entitled to rights. Instead of being a keeper of all brothers and sisters, they frequently looked no further than themselves or their own exclusive group. And, of particular significance to international human rights, rather than acknowledging the sovereignty of the individual or the existence of a broader human family, they emphasized the sovereignty and the authority of the nation-state alone.

On New Year's Day 1792, for example, an enraged mob dragged an effigy of Thomas Paine through the narrow streets of Coventry, England. A sign pinned to its chest revealed the real source of their contempt. It read: "Rights of Man." Upon reaching the square the crowd quickly strung the effigy from a gibbet, a gallows from which the bodies of criminals already hung were exposed in death for further scorn, and prepared a roaring fire. For effect, they let the likeness of Paine dangle for a while, twisting in the wind, and then watched as it erupted into flames. The spectators burst into cheers, and as the arms, legs, and face of the effigy were consumed by fire, joined in a loud and energetic rendition of the song, "God Save the King."[75]

The publication of Thomas Paine's *Rights of Man* provoked not only this spectacle but many others as well. Royal government authorities sponsored further hangings of such effigies in public squares, anti-Paine meetings, smear campaigns, book burnings, the prosecution of bookshops who dared to sell his work, and then arrested him on charges of producing "wicked and seditious writings."[76] It was all highly reminiscent of the earlier reaction toward the writings of Rousseau, who, charged with inciting rebellion, had been forced into exile to save his life. The *Rights of Man* may have been an immediate best-seller and spoken to the needs and the hopes of humankind at large, but its vision directly challenged powerful vested interests, privilege, and tradition.

Moreover, it was a specific and direct assault on the thought of Edmund Burke, the founder of modern conservatism and author of the influential *Reflections on the Revolution in France* published in 1790. In this work, Burke attacked the French Revolution's destruction of established tradition, hierarchy, inherited privilege and property, and historical continuity. He criticized those responsible for this "great departure from the ancient course," argued that liberty could emerge only gradually, and described the Declaration of the Rights of Man and Citizen as "a mine that will blow up, at one grand explosion, all examples of antiquity, all precedents, charters, and acts of parliament." Burke warned that those who composed this declaration had become carried away with extremist ideas and "so taken up with their theories about the rights of man, that they have totally forgotten his nature." He considered humanity flawed, weak, and only intermittently rational. "History consists, for the greater part," wrote Burke, "of the miseries brought upon the world by pride, ambition, avarice, revenge, lust, sedition, hypocrisy, [and] ungoverned zeal," and warned that their nature was such that if people were given too many rights then they would "want everything."[77]

Critics also used this occasion to attack the theories of natural rights as they had evolved up to that point. For example, although he believed in natural law, conservative Edmund Burke nonetheless rejected the notion that so-called rights of man could be derived from it. Once again he contemptuously denounced the Declaration of the Rights of Man and Citizen as so much "prattling about the rights of men" and its authors as "wantonly" creating "metaphysical declarations" that produced the "monstrous fiction" of human equality. Such notions, he argued, only served to inspire "false ideas and vain expectations in men destined to travel in the obscure walk of laborious life."[78] He feared, of course, that any public affirmation of natural rights would lead to social and political upheaval. Interestingly enough, from the other end of the philosophical spectrum liberal Jeremy Bentham, one of the founders of utilitarianism, was no less scornful. He worried that abstract declarations and proclamations of natural rights might easily replace positive law and specific legislation. "Rights," he wrote contemptuously, "is the child of law; from real law come real rights; but from imaginary laws, from 'law of nature,' come imaginary rights. . . . Natural rights is simple nonsense."[79]

Declarations of rights and the writings of authors like Paine were challenged not only by many of his contemporaries but, perhaps more significantly, by both practices and ideas about the nature of human beings and of government that had developed over many centuries. Thomas Hobbes's powerful *Leviathan* written in seventeenth-century England and one of the fundamental works of Western political theory that echoed far earlier writings of some philosophers in Asia, for instance, also saw in humanity "a perpetual and restless desire of power after power." He wrote pessimistically that the nature of humans was such that without a strong government to protect them, they would turn on themselves and there would be "a war of every man against every man" and their individual lives would be "solitary, poor, nasty, brutish, and short."[80] To prevent such a state and to ensure the maintenance of order, Hobbes argued that the powers of a ruler had to be absolute—and subjects had to obey. Even the illustration on the title page of his book conveyed this central theme, for it symbolically showed to both those who could read and the many more at the time who could not that numerous

tiny and insignificant individual humans needed to surrender themselves completely into the body of the huge figure of the powerful monarch and the state. Under this arrangement, subjects were not entitled to change the form of government, protest or accuse the ruler of injustice, punish the monarch, or possess any individual rights. Whatever rights existed, insisted Hobbes, could be claimed only by the monarch, and these were "indivisible," "essential and inseparable." He alone determined "false doctrines" and what truths would be taught, enforced rules for law and order, granted rewards, inflicted punishments, and made policy "as he shall think most fit." Consequently, "none of his subjects . . . can be freed from his subjection."[81] This kind of an argument, of course, was seized on immediately by those who believed in the divine right of kings and the need for absolute monarchs enjoying unquestioned authority and who thus could obviously sing "God Save the King" with genuine conviction. Other theorists followed, proclaiming: "The Prince need render an account of his acts to no one. . . . All the state is in him; the will of all the people is included in his. As all perfection and all strength are united in God, so all the power of individuals is united in the person of the prince."[82]

Even here, notions of divinely sanctioned, hereditary rulers born of royal families and governing unquestioning, obedient subjects extended back in time far beyond Hobbes and his contemporaries. The pharaohs of ancient Egypt, the caesars of Rome, the emperors of Byzantium, the caliphs of the Islamic world, the kings of Cambodia, the jarlar of Scandinavia, the khans of the Mongols, the emperors of China and Japan, the sultans and princes of the Indian subcontinent, the tsars of Russia, the kings of African tribes, the rajas of Java and Sumatra, and the emperors of the Aztecs and Incas, among many others and despite their considerable differences, all ruled traditional and highly stratified hierarchical societies. They drew sharp distinctions between the rulers and the ruled, and subjects were expected to respect and fear authority. The few governed the many, the rich and powerful dominated the poor and weak, and those with influence clearly sought to shape the prevailing culture by explaining this as part of "the natural order" of things to reflect and reinforce their interests. Class and caste divisions and severe inequality predominated, and human bondage in slavery and serfdom existed in most places on earth. Educational opportunities existed only for the most privileged or extraordinarily gifted, the vast majority of people in the world could neither read nor write, and censorship and heavy taxes on printed material controlled the spread of new ideas. Torture as a means of punishment, extracting confessions, or deterrence through grisly spectacle in public was judicially approved and an accepted part of ordinary criminal procedure. Social stability and conformity overwhelmingly ruled over individual freedom or self-realization, and most certainly duties over rights. In fact, all these practices prevailed, and hierarchical and authoritarian governments dominated the world as it had evolved to that time.

Challenges to visions of human rights also came from those who believed in the fundamental importance of differences between people rather than similarities. For some, these distinctions should be made on the basis of education, language, or age, with abuse common against that segment of any society always least able to protect itself— children. For others, they should be made on the basis of the possession of property,

class, or caste. The Indian *varnashramadharma* system provided one of the most extreme examples with its strict divisions between castes and its essential assumption that there are fundamental and unchangeable differences in the nature of human beings that prevent any uniform or universal standard from being even considered, let alone applied. This view was strongly endorsed by Kautilya in the *Arthasastra*, his manual on how to seize, hold, and manipulate power, written over two thousand years ago. For some, depending on location, the critical distinctions should be based on associations with family, tribe, clan, village, walled city, province, country, empire, or continent. For others, the most critical factor distinguishing people from each other should be religious belief, with sharp distinctions separating, for instance, Hindus of the orthodox Vedic tradition from Buddhists, Christians from Jews and "heathens," those of the Islamic faith from "infidels," Catholics from Protestants, or Sunnis from Shi'ites. The Spanish Inquisition, centuries of anti-Semitism, the Tokugawa shogunate's persecution of Christians in Japan, Hindu repression of Buddhists, and conversions forced by government decree, among other examples, all bear sad but ample testimony to long traditions of extreme religious bigotry and discrimination.

Those powerful and influential religious leaders more committed to the existing secular order than those precepts of their faith concerning being keepers of brothers and sisters also resisted any visions of human rights that might threaten the status quo. Monarchs and emperors around the world, of course, always had found it possible to secure support to perpetuate their claims of divine right to rule over their subjects from popes, archbishops, patriarchs, clergy, rabbis, *ulema*, Brahmin priests, and others. They could be found to justify hierarchy, bigotry, violence, the subordination of women, slavery, military conquest, or torture. With the emergence of explicit assertions for human rights, this phenomenon became even more apparent. Clerical authorities in France readily banned Voltaire's writings arguing on behalf of the right to freely practice one's religion. Pope Pius VI strongly condemned notions of religious toleration or freedom of opinion contained in the French Declaration of the Rights of Man and Citizen, and urged Catholics not to be seduced by these new ideas. In the Islamic world, members of the fundamentalist clergy denounced notions of civil and political rights as blasphemous and against the teachings of the Qur'an. Hindu religious leaders continued to urge their followers to resist visions of equal rights that threatened what they claimed to be the divinely sanctioned natural order of caste divisions.

Among all the elements of traditional difference that profoundly challenged larger visions of human rights and equality for all, gender stands out in striking clarity. Prejudice by men against women and male-dominated societies represented the well-entrenched norm rather than the exception, and ideas of being a "brother's keeper" often applied literally only to brothers. Throughout most of history, customs and laws governing bodily integrity and rape, marriage and divorce, inheritance and primogeniture, employment, prohibitions about public behavior and appearance, and exclusion from education and the political process, among other matters, resulted in what appropriately has been called the systematic and discriminatory creation of "assigned separate spheres" and "gendering of power" against women across the globe.[83] Daughters almost always received far less favorable treatment than sons from the time of birth, and then

throughout their lives were forced to endure hearing themselves described as members of the "weaker" or "lesser" sex, no more than "heir providers," and inferior beings, thus undeserving of equal treatment. In a popular book entitled *Malleus Maleficarum* (Hammer of Witches), written in 1486, for example, Jacob Sprenger declared that women were "feebler in mind and body," "a defect" of creation, and nothing more than "an imperfect animal."[84] Others viewed them as dangerous threats, and misogyny, or hatred against women, manifested itself in a kind of patriarchal rage that considered females not as loving wives, caring mothers, or equals, but rather as evil witches or lustful whores. It will never be known how many young women were seriously abused or forced into marriages against their will, crying out in anguish, "Better it would be for me and better it would have been had I not been born . . . in this joyless world."[85] Some were considered as property to be bought and sold in what Westerners revealingly called the "white slave trade," and confined against their will to households, harems, or brothels. Even during the height of discussion about human rights during the French Revolution, leading deputies successfully called for advocates of women's rights like Olympe de Gouges to be executed at the guillotine. Stated as directly as possible in order that the magnitude might be more fully appreciated: this prejudice and its resulting discrimination, exploitation, repression, and abuse applied to no less than one half of the human race.

In terms of its specific impact on international relations, perhaps no factor of difference confronted basic principles of human rights more directly than that of race. For centuries men and women ranging from Japan to the Islamic world and from the Indian subcontinent to Europe and then the Americas discriminated against those of "backward races" whom they regarded as racially inferior. Indeed, the traditions of a wide variety of societies around the world clearly demonstrate what has been called "the impulse to inequality" wherein skin color served to greater or lesser degrees as the badge of master and subject, of the free and enslaved, and of the dominators and dominated.[86] Among the many cases of racial prejudice, however, none came even close to eclipsing that of the white, Western world. From the ideas expressed by philosophers such as Aristotle, historians such as Herodotus and Tacitus, geographers, and chroniclers, Europeans increasingly came to believe in a natural inferiority of nonwhite human beings and, hence, in the legitimacy of treating them differently. In the sixteenth century, the famous *Cosmographie universelle* claimed that black Africans were "stupid, bestial, and blinded by folly," while the Jesuit missionary Alexandre Valignamo declared even more expansively that "all these dusky races" in the world beyond Europe "are very stupid and vicious, and of the basest spirits."[87] By the eighteenth century, respected scientists added their voices to these ideas of race, including the distinguished Johann Friedrich Blumenbach, often called the founder of anthropology, who argued that from an international comparison of the races, "the white color holds the first place" while the others of black, yellow, brown, and red skin color are merely degenerates from the original.[88] All of these ideas, increasingly presented with the authority of science, easily could be seized on to justify or legitimate racial separation or segregation, imperial conquests, colonial exploitation, and especially the capture and sale of living human beings into life-long bondage via the international slave trade.

According to their defenders and beneficiaries, these various traditional practices and ideas, and the regimes that flourished with them, had produced societies of remarkable stability. Here, to use Burke's phrase, people knew "their proper place!" To maintain this long continuity and its benefits, he argued, "the body of the people must not find the principles of natural subordination . . . rooted out of their minds" by some misguided and inflammatory visions of human rights.[89] He and others believed that such dangerous ideas and revolutionary notions about liberty and equality for all people would raise unwarranted expectations, encourage challenges to authority of all kinds, disrupt the rich continuity of history and custom, and thereby seriously threaten enviable conditions of law and order and private property that had proven themselves again and again over time and location throughout the world.

Burke's mention of property in this context is of great importance, for it revealed that visions and the language of rights could also present double-edged swords. That is, not all people shared the same vision, and the claimed rights of some could easily challenge the asserted rights of others or create difficult inconsistencies. This was particularly evident in the case of those who argued on behalf of private ownership.[90] Property rights had made a powerful appeal for many centuries to the minds of people by encouraging them to consider ownership as the rightful reward for the sweat of their brows or the intelligence of their minds. John Locke himself helped to elevate these long-held notions of property rights to a higher philosophical plane by declaring that they were an integral part of "natural rights" and essential to the pursuit of happiness. Indeed, he argued that "the great and chief end" of forming governments in the first place was "the preservation of their property."[91] Rousseau joined in by describing this as "the most sacred of all the rights of citizenship" and "even more important in some respects than liberty itself."[92] Hutcheson, Hume, Burke, Bentham, Jefferson, and Alexander Hamilton all added their voices to this chorus as well, as did others from non-Western countries.[93] It thus did not take much effort to use these arguments as a defense for the great holdings of the few rich against the poverty of the many unpropertied poor, and to do so when definitions of private property at times actually included living human beings in cases of slaves, serfs, women, and children.

One other element directly and powerfully confronted any and all notions of international human rights: the doctrine of sovereignty. Indeed, from the time it first emerged to the present, no doctrine has served to thwart international human rights more severely than this one. Virtually all governments in the world regarded that how they advanced their own interests was a matter exclusively within their own domestic jurisdiction. Emperors, pharaohs, caesars, khans, sultans, kings, tsars, dictators, and eventually prime ministers and presidents all argued that they and the territory they ruled were completely independent and sovereign. Thus, how they treated their own people or those under their control was their business and most certainly not subject to any outside international standards, scrutiny, criticism, or interference.

With the emergence of nation-states, this proposition was not only given more articulate expression but actually confirmed and codified in international law. During the sixteenth century, for example, the French political philosopher Jean Bodin, enunciated the principle of national sovereignty in his book *Les Six livres de la république.*

States, he asserted, possessed the unique feature of sovereignty, which he dramatically and defiantly defined as "power absolute and perpetual," "supreme," and "subject to no law." Indeed, claimed Bodin, such sovereign power provided "the distinguishing mark of a state." It alone possessed the power to decide how it would behave in the world and how it would treat its own people within its own borders and those under its control elsewhere. Bodin described this power as "absolute authority over all the rest without exception" and "without the consent of any superior, equal, or inferior being necessary."[94] If a government desired to treat its subjects well and acknowledge that they might have rights, it could. If it wanted to abuse them, exploit them, persecute them, segregate them, forcibly convert them, or enslave them, it could do that as well. The precise nature of the treatment, however, was considered to be a matter of exclusive domestic jurisdiction.

This doctrine of national sovereignty, and its corollary of domestic jurisdiction, received reinforcement in a number of ways. The Treaty of Westphalia signed in 1648 provided recognition, in law as well as in fact, of the power and authority of sovereign, independent states. Only they could be considered subjects of international law and no international jurisdiction existed to hold government leaders criminally responsible for their actions. They recognized no universal moral authority of natural law on behalf of individual rights from above, no claims of an emperor or a pope, and no petitions from feudal barons or subjects from below. The publication of *Leviathan* only three years later provided even further theoretical justification for the doctrine, particularly when Thomas Hobbes addressed what he described as "the essence of sovereignty." Here he left no doubt about his belief that the sovereign powers of the state and the absolute monarch that acted in its name ruled without challenge, doing "whatsover he shall think necessary to be done."[95] Such was the force of this doctrine of sovereignty, writes one noted authority of international politics, that with the span of a century it "became unchallengeable either from within the territory or from without. In other words, it had become supreme."[96] Theories, of course, are never absolute in practice, but when such a doctrine was both asserted and accepted by governments, victims of human rights abuses were forced to suffer alone and made to understand that they could not look for help or recourse from beyond the borders of their own state. For them, there was nowhere to run and nowhere to hide. Victims therefore remained objects of international pity rather than subjects of international law.[97] As such, government leaders understood for centuries that they could act in the name of their state largely as they wished or were able, safe in the knowledge that international law applied only to states and shielded them from individual responsibility by the doctrine of sovereignty that did so much to create and justify a widespread culture of impunity.

Further obstacles were presented by those whose only considerations resided in the exercise of sheer, raw, physical power. Religious belief of any kind, let alone that of compassion or responsibilities to others, left them cold. Philosophical thought, let alone that concerning freedom, or dignity, or justice, failed to move them. Faith in visions of what might be, the power of moral force, or even law, elicited contempt. Their credo appeared time and time again throughout the ages, bluntly expressed in the famous Melian Dialogue: "You know as well as we do that right, as the world goes,

is only in question between equals in power, while the strong do what they can and the weak suffer what they must."[98]

It can thus be seen why, in the vast history of the world, most people experienced not human rights but serious and often severe abuses. Indeed, the extent and duration of this brutal legacy weighed so heavily upon the famous sociologist William Graham Sumner that when he looked back upon the whole of the human experience he felt compelled to conclude in despair: "All history is only one long story to this effect: men have struggled for power over their fellow men in order that they might win the joys of earth at the expense of others, and might shift the burdens of life from their own shoulders upon those of others."[99] No place on earth—West, East, North, or South—by the end of the eighteenth century could claim that human rights for all were somehow broadly based or solidly grounded in their cultures. They simply were not. In fact, it is for precisely this reason that those with powerful and entrenched interests in hierarchy, privilege, prejudice, and sovereignty wherever they might be viewed those who advocated rights, like Thomas Paine burned so vigorously in effigy, as heretics and revolutionaries who threatened to overturn their long-standing exercise of power. They believed that the future should reproduce the past and continuity should prevail over change, and consequently vowed that they and their successors would do whatever they could to oppose dangerous visions of human rights.

Visions and Reality

The interplay between these powerful visions that supported human rights and those ideas and traditions aligned in opposition, and the interests that both represented, would move the course of much of history. Because they so often struck at the very core of human nature and individual self-interest, religious belief, philosophical thought, government power and authority, social and legal structures, and rights and responsibilities, they raised profoundly difficult issues about life, about the relationship between all individuals and the communal societies in which they lived, and about history and tradition. On occasion, at least some of these visions would complement each other when human rights were seen as part of a seamless web in which the rights of one affected the rights of another. At other times, however, they would compete, not just with contemplative words or in the solemn decorum of legal proceedings, but in violence, revolution, and civil or foreign war. The results frequently indicated great contrasts between theory and practice, or between visions and reality.

Throughout history, for example, most individuals in the world found themselves confronting hierarchical societies and imperial or authoritarian regimes of one kind or another in which differences mattered. Whether they lived in Western Europe, the shores of the Mediterranean or the Baltic, the mountains or the plains of Asia, the Indian subcontinent, the Near and Middle East, Africa, North America, Central and South America, or islands of the Pacific, patterns of dominance and discrimination prevailed. Sharp distinctions were made, depending upon particular circumstances, on the basis of gender, age, education, religion, race, class or caste, ethnicity, language, and tribe or clan, among other factors of difference used either individually or in

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combination. Here, the theories such as those of the divine right of rulers or racial superiority and customs of tradition, often ancient in origins, served to support these practices. Even in democratic Athens, less than half of the population ever benefitted from the theories of natural law. At times, some religious precepts actually reinforced such behavior, as in the cases of religious zealots focusing on exclusivity rather than universality and persecution rather than tolerance, Hinduism's caste system and its "untouchables," or the opinion of Confucius that "women . . . are of a lower state than men and can never attain full equality with them."[100]

More often than not, however, religious principles of care and compassion clashed with those secular desires of political power and privilege, thus making the distance between vision and reality all the more apparent. Some of those governments and peoples in the West who so vocally claimed to follow the precepts of Christianity and the "Prince of Peace," for example, came to be known internationally as among the most rapacious and the worst offenders against the well-being and rights of others. They practiced persecution of Jews and Muslims, discrimination against women and children, enslavement of Africans, and territorial conquest and exploitation of all those around the world whom they came to regard as racially inferior. Repulsed by the horrors of massacres and sufferings inflicted on these helpless victims, a few courageous individuals spoke out. The noted Dominican jurist of the sixteenth century Francisco de Vitoria, for example, unequivocally condemned the Spanish government's brutal and un-Christian conquest of the Aztecs and Incas, and called for a new international law among nations with universal validity that would include rights and duties for all peoples. Shortly thereafter, the priest Bartholomé de Las Casas, motivated by his religious conviction of being a brother's keeper and his belief in natural rights, wrote a shocking account entitled *Brief Relation of the Destruction of the Indies*, pleading: "The Indians are our brothers and Christ has given his life for them. Why, then, do we persecute them with such inhuman savagery?"[101] He thus confronted one of the most powerful governments in the world with a public challenge to its professed ideals and the obvious gulf between vision and reality, but the practices continued. "To insist with Las Casas that Indians should be won over by persuasion only," writes one historian of these events, "was to abandon all future conquests and admit the injustice of past ones. The full implications of either theory were more than any self-respecting government of the time could stomach."[102] Yet Las Casas's words survived to serve as an inspiration for generations of Latin American activists.

The refusal of governments to halt conquest was matched only by their unwillingness to end the profitable practice of slavery and the international slave trade. Slavery, of course, reflected an ancient tradition extending over thousands of years and spread across Asia, Africa, Europe, the Middle East, islands of the Pacific, and the Americas. It was neither invented by Europeans nor confined exclusively to black Africans; and, in fact, whites themselves had known enslavement on the shores of the Mediterranean and Black seas, in Eastern Europe and Russia, in European colonies, and in Africa and Asia.[103] But what emerged by the sixteenth, seventeenth, and eighteenth centuries dramatically transformed any and all slave patterns of the past. In terms of the total numbers of millions of human beings, focus on a particular race, creation of

an ideology extolling racial superiority and a practice of segregation between masters and slaves, lucrative financial rewards, impact on four continents, and magnitude of tragic brutality, black slavery simply had no parallel in history. Few wanted to be left out of this enterprise and thus deny themselves either the power or the profits that flowed from it. Indeed, some of the most successful businesses of all time profited enormously from treating human beings as property, including the Royal African Company, Compagnie de Rouen, Brandenburg Company, Maranhao Company, and Dutch West India Company, among others. The Board of Trade in London accurately reflected the opinion of investors in many other capitals when it concluded that it was "absolutely necessary that a trade so beneficial to the kingdom should be carried on to the greatest advantage."[104] Official state policy, often enhanced by investments from the royal families of Europe, guaranteed even further financial successes and the growth of commercial capitalism. As one leading authority on historical slave patterns observes, "black slavery was an intrinsic part of 'the rise of the West'" and for nation-states to refrain from participating in it "was almost as unthinkable as spurning nuclear technology is in the world of today."[105]

With the growth of the international slave trade and the practice of racial slavery, theories of the inferiority and superiority of one race over another gained even wider acceptance. Indeed, the concomitance of racial prejudice and the power to enslave blacks suggests a strong mutual relationship between the two. Both were, after all, twin aspects of the debasement of black men and women from people into property; and race relations obviously developed not only from theories but also from social and legal practices in which racial contact occurred.[106] In this regard, European slave traders and slave owners in the New World desperately sought to establish clear hierarchies and to keep the races segregated from each other. The Spanish Crown, for example, promulgated specific laws to "prohibit contact and communication between Indians and Mulattoes, Negroes, and similar races."[107] Portuguese settlers distanced themselves from what they called the *racas infectas* or "contaminated races" and created a caste system based on white supremacy and the institutionalized inferiority of colored slaves.[108] French slave laws, known as the *code noir*, also stressed the need for segregation and keeping the races apart, as did those of the Dutch. British colonists in North America acted in much the same way, constructing legal means to make black men and women slaves "for life," prohibiting miscegenation or interracial marriages, and granting any owner "absolute power and authority over his Negro slaves."[109]

When considering the contrasts between visions and reality at this time, it is also important to confront the attitudes and actions of a number of the Western *philosophes* themselves. Ironically enough, some of the greatest minds of the Enlightenment who espoused the democratic principles of liberation, equality, toleration, natural rights, and respect for the dignity of individuals and who challenged notions that a privileged few should rule over the vast majority of the population, at the same time revealed that they believed that these principles should be applied to their own gender and their own race alone. Rousseau, for example, could wax eloquently about freedom and justice, but at the same time refuse to acknowledge anything other than it was the order of nature for woman to obey men. "Women do wrong to complain of the inequality of

man-made laws," he wrote, and claimed that "when she tries to usurp our rights, she is our inferior."[110] Montesquieu, the articulate exponent of individual worth, simultaneously claimed that black-skinned Africans were "savage and barbarian" and bereft of normal human traits.[111] Voltaire held financial interests in the Compagnie des Indes, the fortunes of which came in part from the slave trade, and wrote that blacks possessed only "a few more ideas than animals" and that as "a result of a hierarchy of nations, Negroes are thus slaves of other men."[112] Wrote the noted British philosopher David Hume, "I am apt to suspect the Negroes and in general all the other species . . . to be naturally inferior to the whites."[113]

Given this long and difficult historical context of theories and practices that had a bearing on human rights, many expected that the upheavals in America and France during the so-called Age of Democratic Revolutions at the end of the eighteenth century would mark a dramatic change of course and a marked reversal of the past. In many ways they did, particularly as they sought to give expression to natural rights theory, to restrict the prerogatives of monarchs and oligarchies, to extend the principles of democratic government, and to give definition to this first generation of human rights that emphasized civil and political rights. Nevertheless, even revolutions, wars, and violence could not change everything at once, and the resistance to any broadbased extension of human rights for all remained determined and strong.

Despite the remarkable provisions of the new U.S. Bill of Rights, the theories of natural law and inalienable rights that stood behind them, and the ringing words "We the people" in the Constitution's preamble, for example, actual practices denied equal rights to the majority comprising women, slaves, the unpropertied, indigenous peoples, and children. The Constitution itself provided official sanction for the practice of slavery by prohibiting Congress from taking action to eliminate the slave trade for twenty years, making no clear distinction between property rights and human rights, and by guaranteeing that fugitive slaves must be regarded as articles of commerce rather than people by being returned to their owners. Many prominent leaders, including George Washington and Thomas Jefferson, owned slaves themselves. Similarly, women in America would not be guaranteed their right to vote for more than a century. In addition to gender, every state in the new nation restricted voting on the basis of age, race, and property or wealth, and thus denied the political right to vote and effective representation to the majority of the population.[114] Nor did these new documents or laws provide any protection for American Indians. Washington and Benjamin Franklin described them as "ignorant savages" and "beasts," while Jefferson himself argued that his country had no choice but to pursue them "to extinction."[115] For these disenfranchised and dispossessed groups, and despite the official rhetoric of rights, neither the Constitution nor its Bill of Rights provided any immediate protection whatsoever.

Revolutionary France experienced similar difficulties in the distance between vision and reality concerning human rights. Initially swept up in the excitement of radical change, leaders of the National Assembly decreed the abolition of the feudal regime of the past, freed remaining serfs, eliminated special privileges in matters of taxation and public office, issued the Declaration on the Rights of Man and Citizen, and then took the highly unusual step of extending citizenship to those of color and abolishing

slavery in the colonies. Very quickly, however, the excesses of the Terror violated many of the rights proclaimed and the forces of resistance regained their confidence. Within only months, for example, the Assembly rescinded its decision about equal rights for blacks. Slavery in the colonies was reinstituted shortly thereafter, and few advocated any extension of human rights to the millions of indigenous peoples subjugated under the French Empire. The political rights of voting and holding public office also possessed restrictions in practice. At first, only white men who passed a test of wealth, known as "active citizens," could exercise the franchise or hold office, as compared to those "passive citizens" of servants, the propertyless, and poor who could not. Women were theoretically citizens under the law, but practically could not vote, fully participate in the political process, or receive equal protection.[116] Revolutionary leaders here, as in America, understood that the extension of genuinely equal rights would entail vast social and political consequences that they were unwilling to accept.

In this regard, it is extremely important to recognize that the Declaration of Independence, the Constitution, and the Bill of Rights in the United States, as well as the Declaration of the Rights of Man and Citizen in France, reflected far more vision than reality. None of these documents were "deeply rooted" in either the practices of the West or even of these two countries, as others wishing to denigrate human rights within their own countries by distorting historical origins eventually would claim.[117] They emerged not out of long tradition or wide-spread experience or inclusive election, but rather out of war and revolution and had to be nurtured in the face of overwhelming opposition. In the context of the late eighteenth century when "democracy" and individual rights were regarded by many as synonymous with anarchy and subversion, they were statements of visions—ideals and aspirations toward which two nations pledged themselves to struggle in the future, but not to guarantee at the moment.

The accuracy of this judgment can be seen in part by the number of outspoken critics who vowed that they would not rest as long as such blatant disparities between visions and realities in human rights existed in these countries. Some women, for example, viewed their exclusion from the extension of rights as a blatant betrayal of the promises of democracy. They wrote petitions, published tracts, and organized clubs to demand more participation. In the new American republic, Abigail Adams accused men of being "naturally tyrannical," and placed them on notice: "If particular care and attention is not paid to the ladies we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation."[118] In revolutionary France, men like Condorcet and Pierre Guyomar and women like Olympe de Gouges and Etta Palm d'Aelders argued courageously on behalf of the rights of women, sometimes sacrificing their very lives for the cause in which they believed. During 1792 Mary Wollstonecraft published her impassioned book in England entitled *A Vindication of the Rights of Woman*, scathingly attacking gender oppression, pressing for equal educational opportunities, and demanding "JUSTICE!" and "rights of humanity" for all.[119] Still others at the time worked to extend the boundaries of definition even further, such as Thomas Spence with his 1797 pamphlet entitled *The Rights of Infants*.[120]

Agitation and organized opposition against human bondage also grew appreciably during this time. Indeed, absolutely nothing marked the vast distance between vision

and reality more starkly than the institution and practice of slavery. As Patrick Henry, a revolutionary leader himself, observed: "Is it not amazing that at a time when the rights of humanity are defined and understood with precision, in a country, above all others, fond of liberty, that in such a country we find men . . . adopting a principle as repugnant to humanity as it is inconsistent with the Bible, and destructive to liberty?"[121] Former slaves like Olaudah Equiano founded the Sons of Africa to mount public campaigns while other slaves boldly petitioned for their freedom, arguing "for the sake of justice, humanity, and the rights of mankind."[122] Particularly from within the religious community of reformist churches came cries that the practice of slavery presented an absolutely intolerable obstacle to any concept of human rights and a violent offense against Christian principles to be keepers of all brothers and sisters. Fundamentally motivated during this period of religious revival known as the "Great Awakening" by their religious convictions and sense of responsibility, articulate and impassioned Protestant spokesmen like John Woolman, Granville Sharp, Benjamin Rush, Anthony Benezet, and John Wesley drew inspiration from their faith and from the moving words of the hymn "Amazing Grace," recently written by a converted slave trader named John Newton. They all stressed in their arguments for abolition the relationship between spiritual and personal liberty, fusing the language of scripture with that of natural rights. For instance, in writing about "Christ's redeeming grace" for all people, Benezet declared: "At a time when the general rights and liberties of mankind . . . are become so much the subjects of universal consideration; can it be an inquiry indifferent to any, how many of those who distinguish themselves as the Advocates of Liberty, remain insensible and inattentive to the treatment of thousands and tens of thousands of our fellow-men who . . . are at this very time kept in the most deplorable state of slavery?"[123]

   Benezet and others from among anti-establishment or "dissenting" congregations like the Baptists, Methodists, Congregationalists, Presbyterians, and especially the Quakers organized the first human rights nongovernmental organizations (NGOs) in the form of the Society for the Relief of Free Negroes Unlawfully Held in Bondage and then the Society for the Abolition of the Slave Trade, presenting their attacks against slavery as an expression of their religious convictions and their vision of the unity of all mankind. "We are taught by our blessed Redeemer to look upon all men . . . as neighbors and brethren," announced the Quakers, "and to do unto them as we would they should do to us."[124] One group pressed this point and wrote to another:

We conjure you, as you love Liberty, to extend its influence, and investigate its import; examine your Declaration of Rights, and see if you can find in it a *term* which conveys the idea of *human* merchandise; examine your hearts, and see if you can find a spark of brotherhood for men who *deal* in men. To defend your own liberties is noble, but to befriend the friendless.is Godlike; complete then your Revolution by demanding Commerce to be just, that Africa may bless you as well as Europe.[125]

They argued that the emancipation of slaves was fundamental to message of love and compassion, the power of redemption, and their responsibility to Christ's injunction "to proclaim freedom to the captives." With explicit references to "the rights of man" and the "inherent rights of mankind," and in the face of powerful forces against them,
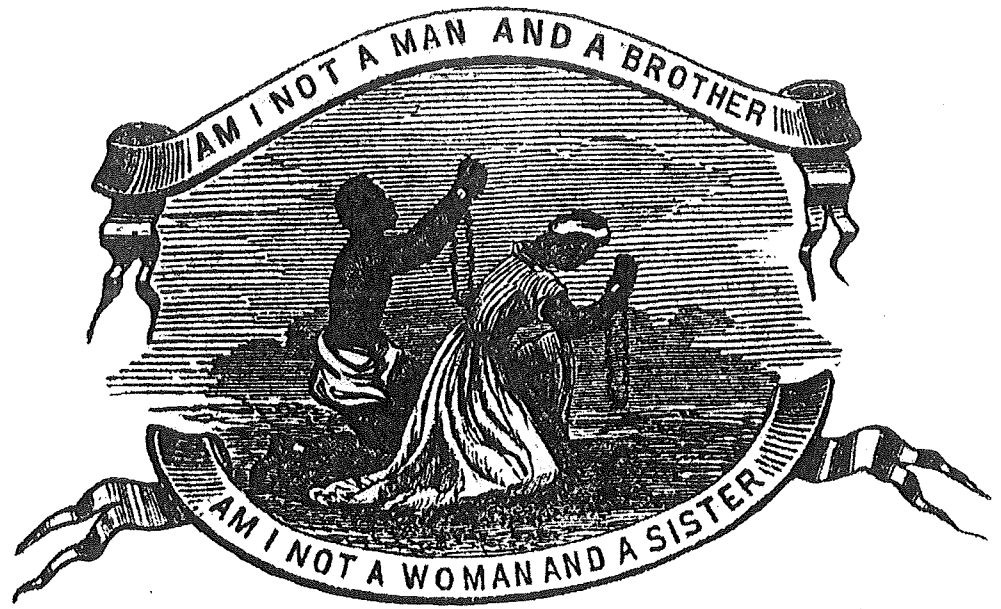
Brothers and Sisters: A Famous Emancipation Society Image (Library of Congress).

they wrote letters, organized petition campaigns, participated in boycotts, authored pamphlets and articles, applauded Lord Mansfield's judicial decision in the *Somerset* case that holding slaves within Britain was against the law, and worked to enact legislation for manumission and emancipation from slavery where they could, at least in the New England and mid-Atlantic states in North America.[126] They also quickly adopted as their symbol the image of a black slave on bended knee in chains, arms outstretched, and pleading: "Am I Not a Man and a Brother?" or "Am I Not a Woman and a Sister?" For them, this struggle presented an opportunity for their religious vision to become a progressive force in history and posed a decisive test for the strength of their convictions.[127] If human bondage in slavery be "excusable, or pardonable," wrote James Beattie bluntly in his 1793 *Elements of Moral Science,* "it is vain to talk any longer of the external distinctions of right and wrong, truth and falsehood, good and evil."[128]

The application of theories of human rights to the world also suffered at this time from a very serious practical problem of accurate and timely information. That is, even those highly motivated to advance international human rights could take no action unless they could first obtain and then convey news about the plight of others beyond their own borders, either by traveling themselves to different locations or by securing news of exploitation, conquest, massacre, or other abuses in sufficient time to relieve suffering. Given the power of authoritarian and autocratic rule, and the lack of widespread literacy, knowledge of these abuses often could be completely suppressed. Given the limitations of technology in an age of only rudimentary transportation and means of communication, various parts of the world often remained both geographically and intellectually isolated from each other and such information simply could not be

accurately, widely, or rapidly transmitted. As one observer who lived through this period insightfully and poignantly reflected: "In the old days, news traveled slowly; one scarcely heard what was happening at the other end of the world until the following year. If blood had been spilt, the earth had time to absorb it; if tears had been shed, the sun had time to dry them."[129]

If enormous chasms thus often existed between vision and reality concerning human rights, the same cannot be said with reference to the doctrine of national sovereignty. Here theory and practice mutually reinforced each other as independent nation-states often behaved exactly as they wished toward those under their control and human rights simply were not regarded as a matter of legitimate international concern. For several important reasons, states normally refused to become involved in disputes surrounding the treatment and well-being of people beyond their own borders. In philosophical terms, they found themselves consistently confronting the doctrine of national sovereignty and its uncompromising claims of domestic jurisdiction. In practical terms, they found themselves largely powerless to have much of an effect in the internal affairs of others. Their own lack of resources to project their will and the absence of any international organization that might assist in establishing some level of minimal standards let alone enforcement simply reinforced this condition. Politically, they also found themselves afraid to intervene due to reciprocity, for criticism in the name of human rights within another country might well invite criticism of their own policies in return. States that made little or no effort to protect human rights of their own people at home could hardly claim justification for the protection of others abroad. These various philosophical, practical, and political factors, when combined with those many traditional ideas and practices that rejected human rights in the first place, all proved to be sufficient in erecting powerful obstacles in the path of anyone with visions of creating and protecting international human rights.

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During most times and places, from the beginning of recorded history to the end of the eighteenth century, the overwhelming majority of all of those who ever lived and died found themselves confronting various forms of prejudice and discrimination based on gender, race, caste or class, belief, ethnicity, place of origin, or some other form of difference. For this reason, they were not regarded as being fully human, and therefore never allowed to exercise whatever rights they might claim, or that others might assert on their behalf. Instead, traditional societies and imperial regimes from Asia to Africa and from Europe to South America emphasized hierarchical and patriarchal relationships, distinct divisions between the few rulers and the many ruled, stratification between the powerful and the weak, conformity over diversity, and obedience to existing authority rather than personal rights. Their cultures reflected and reinforced the interests of the powerful. Common patterns of dominance thus found expression in many varieties of privilege and poverty, intolerance and ignorance, despotism and suppression, torture and violence, arrogance and xenophobia, persecution and segregation, and at times infanticide and genocide. Human bondage and

slavery were commonly accepted as the norm. Moreover, in these practices virtually all governments regarded how they treated those under their control as a matter exclusively within their own domestic and sovereign jurisdiction. Those who suffered as victims thus could not look beyond their state for any form of protection, for their fate was not regarded as a legitimate subject of any possible international action. This long and powerful legacy must be understood in order to appreciate the evolution we will witness.

Yet in the midst of this hostile historical environment and often in the face of entrenched traditional practices and fierce opposition, there were those creative and courageous enough to envision a different kind of world in which all people would be treated with dignity and equality. First with religious precepts, then with secular philosophical principles, and gradually with a few practical and concrete political results, slowly but nevertheless determinedly there began to emerge visions that all men and women had certain responsibilities to those in need and possessed certain natural or inalienable rights simply as the result of being human. Despite all the realities and constraints aligned against them, these various visions gradually began to grow in power and influence. Their strength did not derive from their ability to immediately bring about human rights for all in practice, however, but rather to keep ideals alive for centuries, during most unpromising circumstances and at times under brutal persecution, that might serve to inspire future generations to develop a more sophisticated discourse about human rights and to take more determined action when possible. By the end of the eighteenth century, these visions had helped to inspire wars, revolutions, declarations, constitutions, the beginnings of the historically momentous transformation of individuals from subjects into citizens, and the creation of NGOs such as the Society for the Abolition of the Slave Trade, as well as personal acts of compassion. But this was only a foretaste of what lay just ahead. As one observer once noted, throughout most of history liberty remains more in shadow form than in substance, "yet the shadow is itself an earnest of greater things" to come.[130]