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# HUMAN RIGHTS

Comments and Interpretations

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*A Symposium edited by*

UNESCO

*with an Introduction by*

JACQUES MARITAIN

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## Note

IN the year 1947, the Human Rights Commission of the United Nations was already engaged in the preparation of the Universal Declaration of Human Rights which the General Assembly was to issue in December 1948 in Paris. To contribute to its work, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) carried out, during 1947, an enquiry into the theoretical problems raised by such a Universal Declaration. A questionnaire was circulated to various thinkers and writers of Member-States of UNESCO, who were asked, as individual experts, to give their views. This questionnaire will be found in Appendix I.

The texts which constitute the body of the volume have been chosen among the replies which UNESCO received. They are an expression of the personal opinions of their authors, and should not be taken as necessarily conforming to the official position of the Governments of the countries to which the authors belong.

The first group of these essays deals with the general problems of human rights. The others deal in greater detail with such subjects as the respect for cultural diversity, the social implications of science, the value of objective information, the right to education and the special position of primitive peoples, dependent peoples, law-breakers, etc.

In selecting the texts of the replies which are included in the volume, an attempt has been made to offer a representative sample of the whole range of opinions expressed. In addition, it was thought desirable to give publicity to the opinions of certain thinkers which differed from the final conclusions of UNESCO, but which were, nevertheless, stimulating in their originality of thought.

The conclusions of UNESCO will be found in Appendix II. They were elaborated by a Committee of Experts which brought together, in July 1947, Professor Edward H. Carr, Chairman, Professor Richard McKeon, Rapporteur, and Professors Pierre Auger, Georges Friedmann, Harold Laski, Chung-Shu Lo and Luc Somerhausen. Unfortunately, Professor Etienne Gilson, who had been invited, was unable to

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## Towards a Universal Declaration of Human Rights

*Harold J. Laski*

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IT is of the first importance, if a document of this kind is to have lasting influence and significance, to remember that the great declarations of the past are a quite special heritage of Western civilisation, that they are deeply involved in a Protestant bourgeois tradition, which is itself an outstanding aspect of the rise of the middle class to power, and that, though their expression is universal in its form, the attempts at realisation which lie behind that expression have too rarely reached below the level of the middle class. 'Equality before the law' has not meant very much in the lives of the working-class in most political communities, and still less to Negroes in the Southern states of the United States. 'Freedom of Association' was achieved by trade unions in Great Britain only in 1871; in France, save for a brief interval in 1848, only in 1884; in Germany only in the last years of the Bismarckian era, and then but partially; and, in a real way, in the U.S.A. only with the National Labour Relations Act of 1935; this Act itself is now in serious jeopardy in Congress. All rights proclaimed in the great documents of this character are in fact statements of aspiration, the fulfilment of which is limited by the view taken by the ruling class of any political community of its relations to the security of interests they are determined to maintain.

It must be remembered, further, that one of the main emphases which have underlain past declarations of rights has been the presumed antagonism between the freedom of the individual citizen and the authority of the government in the political community. It is not merely that the rights of the citizens have been conceived in individualist terms, and upon the political plane. There is the deeper problem that has arisen from the unconscious, or half conscious, assumption of those who wrote the great documents of the past that every addition to governmental power is a subtraction from individual freedom. Maxims like Bentham's famous 'each man is the best judge of his own interest,'

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and that 'each man must count as one and not more than one' have their roots in that pattern of social organisation so forcibly depicted by Adam Smith: in which, under any 'simple system of natural liberty,' men competing fiercely with one another in economic life are led, each of them, 'by an invisible hand to promote an end which was no part of his intention,' and that end, by some mysterious alchemy, is the good of the whole community. Even if it be argued, and it is at least doubtful whether it can be argued, that this liberal pattern was ever valid, it is certainly not valid today. There are vital elements in the common good which can only be achieved by action under the state-power—education, housing, public health, security against unemployment; these, at a standard acceptable to the community in an advanced society in Western civilisation, cannot be achieved by any co-operation of citizens who do not exercise the authority of government. It becomes plain, on any close analysis, that so far from there being a necessary antagonism between individual freedom and governmental authority, there are areas of social life in which the second is the necessary condition of the first. No statement of rights could be relevant to the contemporary situation which ignored this fact.

It yet remains true that there are certain areas of life where human rights depend, in all normal circumstances, on the limitation of governmental authority. The principles underlying the writ of habeas corpus, of double jeopardy, of what the American Constitution calls 'cruel and excessive punishment,' are obvious examples of such areas. It is more difficult to define with any precision the limitations which ought to be placed upon governmental interference with rights such as freedom of speech, freedom of association, and freedom of religious belief; yet, on experience, limitations upon the power of government when such rights as these are involved are of profound importance. Each of these, however, is acquiring a new and intricate context in the light of social and economic, including technological, change. The nature of modern weapons, the power of wireless, any concentration of the ownership of the press or the cinema in private hands, may be as dangerous even more dangerous, to the fulfilment of rights than when they

are in the hands of a government. General principles in these areas have little meaning except in terms of their application.

Nor must we forget that most attempts, since the classic declarations of rights at the end of the eighteenth and in the first part of the nineteenth centuries, to safeguard society against the abuse of power, especially economic power, by individual citizens have been gravely unsuccessful. This is true, for example, of the Fourteenth and Fifteenth Amendments to the American Constitution. It is true also of most of the social and economic clauses of the German Constitution of 1919; Articles 121 and 151 are examples of this. It is a pretty fair historical generalisation to say that no right is likely to have effective operation in any society unless the citizens of that society have a broadly equal interest in the results of its fulfilment; whereas, in Soviet Russia, private exploitation for profit has been abolished, it is, for example, immensely easier to prevent racial discrimination than it is in the United States of America, where both Negroid and Asiatic peoples have never been admitted to a status in which equal cultural opportunities obtain. The fact that the economic system permits them to be exploited for profit by American Whites is a powerful lever to persuade the latter to continue the discrimination now practised to their own advantage.

There is the further difficulty that we are now in the midst of a vast world-revolution which has brought with it one of those deep crises of values, both individual and social, in which, as Thucydides pointed out over two thousand years ago (Bk. II, 82-4), men ceased to understand one another because 'the meaning of words had no longer the same relation to things, but was changed by them as they thought proper.' It is obvious that 'democracy' does not mean the same thing to the chairman of the National Committee of the Republican Party in the United States as it does to Generalissimo Stalin; and it is equally obvious that each has a different conception of terms like 'freedom' and 'right.' The economic system, indeed, which the United States business man calls 'free enterprise' is unrecognisable under that description by a British socialist. The nature of the state-power itself, moreover, appears quite differently to a British socialist than it does to a British Tory. Any

statement of human rights would encounter inescapable problems of understanding and interpretation which would either make it so vague as to be worthless, or so composed as to be a threat to that concept of value in any particular area it appeared to reject. It is bound to be a doubtful matter whether a Declaration of Human Rights will be universally acceptable until there is a real prospect of resolving the crisis of values before which we stand. Anyone who reads the debates, three centuries ago, in the Army Council over which Cromwell presided during the English Civil Wars will see at once that, within the confines of a national community, the assurance of peace is vital to a common recognition of values and, therefore, of rights. We are, as yet, far from having attained this assurance.

The absence of the assurance of peace on the international plane is still more striking. However true it be that there is no government in the world today which wants war, there are governments pursuing objectives which other governments would not permit them to realise except under the compulsion of defeat in war. What one government calls 'indefensible imperialist expansion' another government regards as 'necessary strategic protection.' The atmosphere of doubt and suspicion leads to the development of what may fairly be called 'client nations' whose sovereign control of their own affairs has become a myth without the power even to edify its exponents any longer. Any discussion of human rights must involve the discussion of the rights of those nations recognised as states. For their governments exercise, in greater or lesser degree, not only direct power over their own citizens, but also indirect power over the lives of the citizens of other nations. A loan from one government to another, the limits placed on emigration and immigration, the level of a tariff, currency policy, methods and amount of taxation, all these help to make differences, which may be important, in the well-being of one nation through the decisions of another. Before our eyes is the grim fact that the shortage of coal in half a dozen countries may settle problems of life and death. Unless, moreover, we agree swiftly on the international ownership and control of fissionable materials essential in atomic power, it may well become true that any territory which possesses those

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materials will become as grave a source of contention, in which itself it is a helpless spectator, as weak countries have become, in the last three quarters of a century, in the soil of which oil has been discovered. The assurance of peace on the plane of international relationships is a vital condition for achieving reality in any formulation of human rights.

The swift pace of change, especially of technological change, adds to the burden of our problem. It has the twofold result of intensifying inequalities within nations and between nations. On the evidence, there can be little doubt that one of the consequences of mass production in a highly industrialised community upon all save the exceptional worker is a conditioning to submissiveness and irresponsibility; and this is increased where dismissal, with the prospect of unemployment, is the penalty for any failure in the adaptation required by a machine-technology which is always seeking to reduce as much as possible the initiative the worker must contribute to the performance of his job. We are becoming increasingly aware that the less the initiative the job calls for in working, the less likely is it that the worker will desire to use his leisure creatively. He gets drugged, as it were, by the routine of monotonous repetition in the hours of work; and the effort to think, in the hours of leisure, becomes continually harder save where the worker has exceptional force of character or of intelligence. The bearing of this on education is clear. It may very easily produce workers who, unless deliberate precautions are taken, cannot, in any serious way, become responsible citizens in a democratic society. The pace and character of technological change, moreover, give the rich and highly industrialised nation an immense advantage over the poor, especially the mainly agricultural nation, whenever any issue arises which involves the possibility that force may be employed in its determination. A nation which can afford to manufacture atomic bombs, and is prepared to use them, is bound to have its way against another nation which lacks the means, financial and material, necessary to their manufacture.

In the light of such considerations as these, any attempt by the United Nations to formulate a Declaration of Human Rights in individualist terms would quite inevitably fail.

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It would have little authority in those political societies which are increasingly, both in number and in range of effort, assuming the need to plan their social and economic life. It is, indeed, legitimate to go further and say that if the assumptions behind such a declaration were individualistic, the document would be regarded as a threat to a new way of life by the defenders of historic principles which are now subject to profound challenge. Its effect would be to separate, and not to unify, the groping towards common purposes achieved through common institutions and common standards of behaviour which it is the objective of such a declaration to promote.

Nothing, in fact, is gained, and a great deal may be lost, unless a declaration of this character notes the fact of important ideological differences between political societies and takes full account of their consequences in the behaviour both of persons and institutions. To attempt to gloss them over would be to ignore completely the immense changes they involve in the attitude that a socialist society, on the one hand, even a society beginning to embark on socialist experiment, and a capitalist society, on the other, is likely to take to things like private property, law, both civil and criminal, the services of health and education, the possibility of living, between certain ages, without the duty to earn a living, the place of the arts—of, indeed, culture in its widest sense—in the society, the methods of communicating news and ideas, the ways in which citizens adopt a vocation in life, the conditions of promotion in the vocation adopted, and the relation of trade unionism to the process of economic production. These are examples merely. When it is remembered that the Napoleonic Code, to take an outstanding example of law-making, set out deliberately to give the largest possible rights to the enjoyment and disposal of private property, so that the owner of a piece of real property is even safeguarded against having to recompense his tenant for improvements made by the latter; that there is, in the code, practically no protection for a contract of service; that, while usury in loans is prohibited, nothing is said of that usury which imposes excessive rents, or pays sweated wages; that trade unions and strikes are prohibited under heavy penalties, while employers are permitted to

form Chambers of Commerce and their corporate agreement to enforce a lock-out of their workers is punished by the mildest of penalties; it becomes possible to understand why the French legal historian Glasson could write that 'to tell the truth, the worker was pretty completely forgotten in the Code.' Its character, indeed, could hardly have been better defined than by a phrase in the speech of Boissy d'Anglas, when, as *rapporteur*, he introduced the Constitution of the Year III to the Convention. 'A country governed by property owners,' he said, 'is a true civil society; one where men without property govern is in a state of nature.' It is only in precision of statement that the attitude here defined differed from contemporary attitudes in Great Britain or Germany or the United States. We take the social philosophies underlying the institutions to which we are accustomed so much for granted that, as de Tocqueville insisted, we confound them with eternal and unchanging truths. We are then outraged by their denial, or even by scepticism of them. Nothing is more difficult than to keep an open mind about the ultimate principles of social organisation. Yet an anthropologist who studied the habits say, of a society in Western civilisation, would frequently find that many of the 'rights' we regard as 'sacred' are not more rational than the taboos regarded with religious veneration by a savage tribe at a fairly primitive stage of social development.

Under circumstances such as these, the issue of a Declaration of Rights would be a grave error of judgment unless it set out deliberately to unify, and not to separate, men in their different political societies. It must, therefore, emphasise the identities, and not the differences, in the competing social philosophies which now arouse such passionate discussion. But even then it will have little value, even as a general expression of aspirations, unless it is both concrete enough and definite enough in character to seem clearly to possess the practical merit of being capable of application by the effort of those to whom it is addressed. It must, this is to say, be a programme and not a sermon. It must be a criterion of the actual practices of existing political countries, so framed that it is felt to be a living canon of their validity. No use, for instance, to argue today

that such a declaration of human rights must insist that only in a political society where the principle of the separation of powers is regarded as sacrosanct can citizens hope to be free; for that principle was the expression of a half-truth, no doubt an important half-truth, which had special relevance to bourgeois society at a particular stage in its constitutional development, but has long ceased to have that relevance even in political communities where it is still venerated. The same is true of the 'right' to trial by jury; it is at least open to the gravest doubt whether the institution of a jury is the most effective way of arriving at a just verdict, and the more complex the evidence in the issue to be decided, the more doubtful it is whether the jury is a satisfactory instrument for arriving at the truth. Nor must we forget that it is as difficult to define a right as it is to define a crime. We can only say that behaviour is criminal when the law chooses to declare it so. But the law is not likely to be effective merely because it emanates from an organ of government formally competent to enact it. The experience of the United States in attempting to enforce Prohibition shows clearly that, in the absence of a government able, like the Nazi rulers of Germany, to terrorise its citizens into obedience, law is only likely to be effective when it elicits a pretty general consent to its purposes. What is true of law is true, also, of rights which at some stage require the power of law behind them if they are to be more than pious aspirations which do not affect the social behaviour of men.

This view has special relevance to the sphere of international relations. It is significant that, between the two world wars, no Member Nation of the League of Nations, with the partial exception of Czechoslovakia, made any serious attempt to respect the rights of those minorities within its territory it had undertaken to respect. It is significant, also, that certain states to which the League of Nations entrusted a mandate for colonial peoples did not hesitate to violate the terms upon which they had been given a mandate, without any apparent compunction. An international declaration of human rights must, in this aspect, take serious account of the fate of the Kellogg-Briand Pact which was introduced with an enthusiasm only surpassed by the contempt with which it was ignored by its

signatories after the outbreak of the Italo-Abyssinian War. The danger is real that a declaration, which is written in terms too far ahead of the probable practice of governments to be expected, will deepen the mood of cynicism and disillusion which is one of the characteristics of a revolutionary age like our own. It is at least doubtful whether we can afford to risk the deepening of this mood.

It is difficult, moreover, to avoid the conclusion that was aptly formulated by Marx when he said that 'the ruling ideas of an age are the ideas of its ruling class.' From that conclusion it follows that, historically, previous declarations of rights have in fact been attempts to give special sanctity to rights which some given ruling class at some given time in the life of a political society it controlled felt to be of peculiar importance to the members of that class. It is no doubt true that they were often, even usually, written out in universal form; perhaps even their claim to the status of universality gave them a power of inspiration beyond the area in which they were intended to be effective. But it remains generally true that in their application the status of universality was always reduced to a particularity made, so far as possible, to coincide with what a ruling class believed to be in its interest, or what it regarded as the necessary limits of safe concession. That has been notably the case where there has been a formal abolition of the colour-bar; there is no limit to the ingenuity of the legislation by which the agreement to confer equal rights upon non-white persons has been evaded. Nor must it be forgotten that there are many political societies in which, on the formal plane, all the rights of democracy have been conceded without altering in a serious way the fundamental principles of the society's social and economic constitution. The fear, for example, that universal suffrage would result in the use of the private property of the rich for the benefit of the poor has been largely unfulfilled; and it is notable that, even near the middle of the twentieth century, the plebiscite, in a country like Germany, with a high standard of education, powerful trade unions, and a social democratic party with a long tradition behind it, was an invaluable weapon in the hands of the Nazi dictator and his supporters. It becomes difficult, in the light of European and American history since some

such time as the French Revolution, to believe either that the institutions of political democracy are permanently safe, or that human rights essential to the life of a free man will be assured of respect, if there are wide divergencies of economic interest between citizens, if, to put it in a different way, the major division of any national society is between a class owning the instruments of production and another, invariably much larger, class which can live only by the sale of its labour-power. No doubt there are groups of persons intermediate between these two fundamental classes. No doubt, also, their interests are divided so as to obscure what is the essential cleavage even in capitalist democracy. But no one can seriously study the statistics of the increasing concentration of economic power in a few hands and above all the swift growth of that concentration in the United States of America—by so much the greatest industrial society in the world today—without seeing clearly that democratic institutions, and the human rights these are intended to safeguard, necessarily function within the limits of a framework imposed upon them by the purposes implicit in the relations of production which a concentration of economic power involves. The great industrial corporations of modern civilisation are, effectively, empires which deal with the state-power of government in a political society very much as one sovereign deals with another. The history both of Europe and of America since the French Revolution suggests that human rights are only effective either when the power of private ownership to make the profit that is the inherent necessity of a capitalist system is satisfied, or where the political solidarity of the majority of the community is so intensely felt and so strongly organised that an attempt at the invasion of rights would be successfully resisted and lead to a re-organisation of the economic foundations of a community. In the post-war world in which we find ourselves, important internal and external factors have combined to make the satisfaction of capitalist need for profit easily compatible with the realisation of human rights at the level of expectation which the workers, in any well-organised trade union movement, deem adequate. The contrast between capitalist need and democratic demand has become outstanding and momentous. This contrast

is one of the major reasons for the revolutionary condition of our time. No declaration that failed to take full account of its consequences would be more than an empty body of formulae, receiving polite recognition but exercising no serious influence.

This is the central reason why a declaration of rights which aims at assisting the victory of social justice in the present crisis of values in our civilisation must take account of the fact that the private ownership of at least the vital means of production makes it increasingly impossible to maintain either freedom or democracy. Economic exploration, in the measurable future, is certain to be vertical, not horizontal. We have passed the frontiers of horizontal economic expansion; even in the United States internal migration has become more difficult as free land has ceased to be available. If we are, therefore, to make the relations of production in contemporary civilisation proportionable to the forces of production, the need for a basic revision of the foundations of private property, as these were conceived by all except persons of a socialist outlook, since 1789, has become imperative. Vertical expansion of production can only be obtained in a planned economy which is consciously aimed at the well-being of the whole community. Any continued reliance upon horizontal expansion, in times of private ownership, means the increasing use of the state-power to protect a privileged minority in a political community which, sooner or later, is bound to look beyond the territorial boundaries of the community both to maintain its own privileges and to satisfy the majority excluded from them. We ought to have learned this lesson from two world wars and, not least, from the implications of the history of the years between the wars. It is, for example, no use saying that there is need to recognise the right of the citizen to a secure job with adequate wages, and with reasonable leisure, if the only periods when this right has been fulfilled have been those of the two world wars. Nor is it any use proclaiming the right to adequate medical care if, first, the territorial distribution of doctors makes this unavailable to the citizen, and his standard of life does not permit him to take advantage of medical care even if it is available; no serious study of the problem of public health can fail to

arrive at the conclusion that it is insoluble unless the medical profession is organised as a national service.

Freedom of speech cannot be seriously said to exist in any political society (a) in the absence of economic security, and (b) where the vital means of communication—the press, for example, the radio and the cinema—are all of them departments of big business, and tending increasingly towards monopoly in each instance. Without economic security only the very exceptional citizen will speak his full mind, for fear of losing his job; there is no safeguard for his job in a society where there is full employment; and there cannot be full employment in a capitalist society save when it is at war. A century ago, Horace Greeley could found the *New York Tribune* on a capital of a thousand dollars; today the establishment of a successful daily paper requires the expenditure of millions. Even where, as in Great Britain, radio is government owned (though in part independently controlled), unconventional opinions, in the field of religion for example, have the greatest difficulty in securing the right to be heard. It is well known that, in most countries, if the cinema is primarily a source of profit through entertainment, its second objective is propaganda in favour of the *status quo*: and far too little means exist for utilising it either as an instrument of social criticism or as one of the most promising aids to the process of education.

Freedom of speech is, in fact, largely a function of economic power; even more so is the right to freedom of association, especially in the context of industry. The right to strike, for example, is, of necessity, severely limited in any vital area of a complex economic community. A government is compelled to intervene wherever a strike endangers food or health, communications or transport. If the services which provide these goods are privately owned, the inevitable result is that government intervention, save in the most exceptional circumstances, renders the power of the strike, as a weapon of effective protection for the worker, largely null and void.

Even political freedoms, such as the right to organise a political party with a view to winning governmental power by constitutional action, or the right of the individual citizen to exercise the franchise, are largely functions of

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economic power. Groups in Great Britain which preached socialist principles were incapable of serious political action until they secured the support, and therefore the funds, of the great trade unions; without independent political action, their authority in the economic sphere was threatened by doctrines of the English Common Law which they could only get changed by legislative action. There are wide areas of Europe in which a free election has, in fact, never been known; as there is a number of states in the United States of America where the Negro dare not exercise his vote and the 'poor white' is excluded from the register of voters by the imposition of a poll-tax which he has not the ability to pay.

If we make the assumption that a political society is only likely to seek through its government to secure social justice for its citizens, historical experience suggests that social justice depends upon the acceptance of two inescapable principles. The first is that each citizen must be recognised to have an equal claim upon the resources of the community; the second is that, where there is differentiation in response to that claim, it must be possible to show, to the satisfaction of those differentiated against, as well as of those in whose favour the differentiation is made, that the decision to make it does in fact lead to an increase in the resources of the community, and that this, in its turn, results in an increase in the standard of well-being for each individual citizen.

If we look at modern civilisation in terms such as these, it is obvious that human rights are not likely to be realised on any adequate scale if any class enjoys special privileges, which may be defined as the receipt of an income from the effort of others without the performance of a function regarded by the community as an addition to its welfare. It is not likely to be realised in any political society where the operations of government are confined to external defence and internal order, together with the provision of a postal service and the provision of such other public services as it would not be profitable for private persons to undertake. Nor can human rights be made effective in the absence of an educational system which makes possible the full use by the citizen of his instructed judgment, and in the absence

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of his systematic and continuous access to truthful news about the world surrounding him.

None of these conditions is likely to be fulfilled unless citizens have an equal interest in the results of the social processes of the community to which they belong, and those processes in our own day must be regarded as not less vital in their international than in their national aspects. None of them is likely to mean very much in communities which are economically, socially, or politically backward, unless the effort to bring them forward is an organised international responsibility. None of them is likely to mean very much, either, unless the rights of minorities who are distinguished from the majority of a national community by their colour, or race, or religious creed have the assurance of international protection. But that assurance means the existence of an international organisation to give protection; and the protection then depends upon the agreement of national communities that the authority of an international organisation, in those realms where the incidence of government action in one national community reaches beyond its boundaries, has primacy over the authority of the national government. Our situation, in a word, requires a world-order to which the primary allegiance of the individual citizen must be given.

It follows from this, first, that the relations of production require fundamental revision if human rights are to be satisfied at a level which offers the prospect of peaceful development. It follows, second, that the era when the national state could claim the right to sovereignty, in order that its government should be bound by no will save its own, draws swiftly to its close. An International Declaration of Human Rights which was based on these premises and built upon these conclusions, to which men and women all over the world might look for a programme of action, would be a valuable stimulus to the recognition of the need for reforms, any long denial of which is likely to result in violent revolution here, to violent counter-revolution there, and perhaps, even more grimly, to international conflict which may easily assume the character of a global civil war. To provide the appropriate inspiration, such a declaration would have to be both bold in its general character

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and concrete in its detailed conduct. It would have to take account rather of the possibilities which are struggling to be born than of the traditions that are dying before our eyes. It would be better to have no declaration than one that was half-hearted and lacking in precision, or one which sought an uneasy compromise between irreconcilable principles of social action. A declaration such as is proposed would do more harm than good unless it was issued in the confident expectation that the members of the United Nations gave to it an unquestionable faith and respect. An age like our own, which has seen the impotence of the League of Nations, the contemptuous disregard of the Kellogg-Briand Pact and the cynical violation of international law and customs, and has lived under the barbarous tyranny of régimes which made torture and wholesale murder the sanctions of their policy, cannot afford another failure of so supreme a significance as this failure would mean. They have no right to offer hope to mankind who are not prepared to organise the essential conditions without which it has no prospect of being fulfilled. The next betrayal by statesmen of what the common man regards as the basis of his self-respect as a human being will be the prelude to a disaster this civilisation is unlikely to survive.

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## The Rights of Man and the present Historical Situation

*Benedetto Croce*

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DECLARATIONS of rights (of the *natural and inalienable* rights of man, to quote the French Declaration of 1789) are all based upon a theory which criticism on many sides has succeeded in destroying: namely, the theory of natural right, which had its own particular grounds during the sixteenth, seventeenth and eighteenth centuries, but which has become philosophically and historically quite untenable. Nor can we argue from the moral character of such rights, for morality recognises no rights which are not, at the same time, duties, and no authority but itself—this is not a natural fact but the first spiritual principle.

This, moreover, is already implied in the report, where it says that these rights vary *historically*; thereby abandoning the logical basis of those rights regarded as universal rights of man, and reducing them to, at most, the rights of *man in history*. That is to say, rights accepted as such for men of a particular time. Thus, they are not eternal claims but simply historical facts, manifestations of the needs of such and such an age and an attempt to satisfy those needs. As an historical fact the Declaration of 1789 had its importance, since it expresses a general agreement which had developed under European culture and civilisation of the eighteenth century (the Age of Reason, of Enlightenment, etc.) concerning the certain urgent need of a political reform of European society (including European society in America).

Today, however, it is no longer possible to realise the purpose of the Declaration, whether of rights or of historical needs, for it is precisely that agreement on the subject which is lacking and which UNESCO desires to promote. Agreement, it is obvious, is lacking in the two most important currents of world opinion: the liberal current and the authoritarian-totalitarian current. And indeed that disagreement, though moderated in its expression, may be discerned in the report I have before me.

Will this agreement be obtained? And by what means?