Mrs. Roosevelt’s Revolution, *Brian Urquhart*, April 26, 2001

*A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*
Mary Ann Glendon
Random House, 333 pp., $25.95

The horrors of the Second World War inspired two major declarations of faith—the United Nations Charter (1945) and the Universal Declaration of Human Rights (1948). Both emerged in the brief, politically temperate interlude between the last months of battle and the beginning of the cold war. As with most declarations of faith, their adherents—first and foremost, governments—have frequently failed to live up to them, but practically all governments say they accept the basic code of conduct these declarations expound. Governments and people, especially in peaceful times, may grow disillusioned with the United Nations; horrendous atrocities may sometimes make a mockery of the Universal Declaration of Human Rights; but these two documents set standards for a tolerable society on this planet. The continuing effort to achieve and maintain those standards is the frontier between civilization and barbarism.

Both declarations certainly made sense to people who had just been through six years of world war. With more than forty-five million killed and unimaginable ruin and misery, who could object to the words (said to have been written by Field Marshal Jan Smuts and Archibald MacLeish) of the preamble to the UN Charter?

> We the peoples of the United Nations determined…to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind…to promote social progress and better standards of life in larger freedom….

After the death marches and the Holocaust, who could quibble with the opening words of the Universal Declaration of Human Rights?

> Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

The creation and acceptance, in a steadily deteriorating international climate, of the Universal Declaration of Human Rights was perhaps the more remarkable accomplishment of the two. Its drafting in 1947 and 1948 presented fundamental philosophical, social, religious, legal, and political problems of extraordinary complexity. To governments preoccupied by reconstruction and postwar political crises—Palestine, the Berlin blockade, Kashmir—human rights must sometimes have seemed like a distracting sideshow, something that could surely wait for easier times. Fortunately, for the times got steadily more difficult, the remarkable group that wrote the declaration persisted in the face of all obstacles. Mary Ann Glendon’s *A World Made New* gives a fascinating and surprisingly personal account of their achievement.
Without the leadership and vision of Eleanor Roosevelt it is unlikely that the Universal Declaration could have been completed and accepted by all but a few governments. In those early postwar years she occupied an incomparable position on the international scene. She was not just a great president’s widow; she became, in her own right, almost a force of nature, a figure of majestic wisdom and simplicity. Glendon quotes E.J. Kahn’s description of her, “a person of towering unselfishness”—a quality that by itself set her apart from the striving national statesmen of the time.

When she boarded the Queen Mary in New York in January 1946 as a member of the US delegation to the first session of the UN General Assembly in London, Eleanor Roosevelt was embarking on a new career in which neither she nor the State Department had any great confidence. It is true that she had, both publicly and behind the scenes, been more intensively involved in political and international affairs than the wife of any other modern president; she had, for example, suggested that black advisers be added to the US delegation at the 1945 San Francisco Conference. But she had no formal diplomatic experience and was assigned to the General Assembly’s committee on social questions because State Department officials believed it would be less challenging and difficult for her than joining the political committees. Their anxiety soon proved to be mistaken. Ralph Bunche, who was also a member of the delegation, quickly came to the conclusion that, in a group that included Secretary of State James F. Byrnes, John Foster Dulles, and Senator Arthur Vandenberg, all of whom tended to play political games, Mrs. Roosevelt was the only member with a genuine sense of responsibility, who listened to her advisers and conscientiously did her homework.

Any idea that Mrs. Roosevelt might not be up to dealing with difficult foreign representatives soon proved to be absurd. Her dignity, mastery of the subject matter, courtesy, and, when necessary, invincible firmness vanquished even the most redoubtable opponents. I remember vividly her later encounters with Andrei Vishinsky over the fate of European refugees from the war. Vishinsky, the vitriolic public prosecutor in the Soviet show trials of the 1930s, was a highly abusive and almost unstoppable orator. He had a shock of white hair and an unhealthy-looking pale complexion that turned bright red when he was angry or frustrated. “Mr. Vishinsky,” Mrs. Roosevelt would say in the maternal tone of one correcting an errant child, “We here in the United Nations are trying to develop ideas which will be broader in outlook, which will consider first the rights of man, which will consider what makes man more free. Not governments, Mr. Vishinsky, but man. Vishinsky would turn beet red, but, for once, was at a loss for words.

One of Mrs. Roosevelt’s qualities that emerges most clearly from Glendon’s book is her common sense. She insisted throughout that the declaration should be written in language that could be readily understood by ordinary human beings, and that it should be general enough to give all countries and cultures the necessary flexibility in interpreting and implementing its provisions. There was considerable pressure—from the British representative, for example—to give priority to drafting human rights conventions that would be legally binding and might even include
mechanisms for implementing them. Mrs. Roosevelt was skeptical about such proposals. She was determined that there should first be a declaration of principles that would set the stage for later conventions and serve as a means to measure human rights violations and to publicize them. Recalling the United States Senate’s refusal, only twenty-five years earlier, to ratify the Covenant of the League of Nations, she also had in mind the difficulty of getting the approval from the Senate for legally binding international conventions.

Here she was prescient. In fact the two human rights conventions that followed the declaration—one on political and civil rights, the other on economic, social, and cultural rights—were concluded only in 1966, and ten more years passed before they received enough signatures to go into effect. The United States finally ratified the political and civil rights convention in 1992. It has yet to ratify the second one. China ratified the second convention on February 28, 2001, a day after Mary Robinson, the UN High Commissioner for Human Rights, visited China.

Glendon shows that Mrs. Roosevelt intervened, word by word, to settle disagreements over the text of the Universal Declaration. When there was a time-consuming controversy over the use of the word “man” to describe the human race, Mrs. Roosevelt said that while she had always regarded herself as a feminist, she had also always accepted the customary use of “man” in the sense of the human race in general. She accepted from the first that the Soviet Union would be deeply hostile to the enterprise and that, at best, it might be persuaded not to sabotage the declaration entirely and, in the end, to abstain in the final vote. “It was really impossible,” she noted, “to have a private and frank talk with Russian officials.”

There had, of course, been various national declarations of rights—the 1689 British Bill of Rights, the 1776 American Declaration of Independence and later the Bill of Rights, and the 1789 French Declaration of the Rights of Man and Citizen. There could not be a single model for a United Nations declaration because it had to apply to all the different societies and cultures of the world. The horrors of the war, and especially the recently liberated Nazi concentration camps, seemed to many people to demand some international declaration of rights, but there had been little time before the San Francisco Conference to consider what it should say or what place it should have in the new international system.

The UN Charter agreed on at San Francisco in 1945 had several references to human rights, but they were severely qualified by Article 2(7), which specifically precluded UN intervention “in matters which are essentially within the domestic jurisdiction of any state.” The general question of when, if ever, international intervention on human rights grounds is legitimate has remained unresolved up to the present day. At San Francisco it was decided that the first task of the future UN Human Rights Commission would be the development of a universal bill of rights. At its first meeting in 1946, this commission set up a committee to draft a bill of rights for its approval and appointed Mrs. Roosevelt as the committee’s chairman.

While Mrs. Roosevelt was unquestionably the leader of this committee, the main authors of the declaration were a Canadian law professor, a French expert in constitutional law, a Chinese
scholar, poet, and playwright, and a Greek Orthodox Lebanese philosopher. Today it is hard to imagine such an exotic group either being entrusted with a matter of such importance or managing to agree in an extraordinarily short time on a document that could be generally accepted by the governments of the world.

Central to the group’s work was John Humphrey, a forty-year-old Canadian law professor from McGill and the head of the UN Secretariat’s human rights division. Humphrey had lost an arm in a childhood accident and, having thus been excluded from military service, he was all the more determined to make a contribution to peace. He had befriended a non-English-speaking French refugee, Henri Laugier, in Montreal during the war, and when Laugier became the UN assistant secretary-general for social affairs, he brought Humphrey to New York to run the human rights office.

Mrs. Roosevelt’s committee soon found that learned and passionate philosophical debate among its members was no way to get down to work on the draft declaration. In early 1947, over tea in Mrs. Roosevelt’s Washington Square apartment, several committee members asked Humphrey to prepare a comprehensive preliminary draft. During the next four months, Humphrey and his staff put together a four-hundred-page document containing a review of the most fundamental and widely shared principles that had emerged from reflections on human freedom, as well as excerpts relating to human rights from constitutions and other legal instruments. They also included suggestions from other sources, including H.G. Wells, who had written a human rights declaration in 1939 to help those “who want to know more precisely what we are fighting for.” As Humphrey said, they had included “every conceivable right which the Drafting Committee might want to discuss.”

Faced with this mountain of ideas, the committee asked its French member, René Cassin, to cast it into a declaration that they could work on. Cassin, a Jewish disabled veteran of World War I who had escaped from occupied France in 1940 in response to Charles de Gaulle’s broadcast appeal from London, had become De Gaulle’s chief legal expert; he had been condemned to death in absentia by the Vichy government. In 1947, as president of the Conseil d’État, he was France’s top lawyer and was engaged in reestablishing the French administrative and judicial system. Cassin distilled from Humphrey’s document a draft declaration with an eloquent preamble followed by a list of defining general principles. He told his colleagues that he had been guided by two basic ideas—first, the right of every human being to be treated like every other human being; and second, the great fundamental principle of the unity of all the races of mankind which had been shamelessly violated by the war. Later on, Cassin, who was awarded the Nobel Peace Prize in 1968 for his work on human rights in Europe, became known as the “father” of the Universal Declaration of Human Rights, which was hardly fair to Humphrey and Cassin’s other colleagues.

Mrs. Roosevelt and Cassin were then in their sixties. Charles Malik, a forty-year-old Lebanese Greek Orthodox, Thomist philosopher, took an increasingly important part both in the drafting of the declaration and in securing its approval. At the same time, as a representative of Lebanon, he
was immersed in the Palestine crisis. Malik had been a pupil of Alfred North Whitehead at Harvard in the late 1930s. He was an intensely serious intellectual who had always felt himself unsuited for politics and diplomacy. He was impatient with what he often saw as the superficiality of other people’s ideas, and he tended to lecture them. “When we speak of human rights,” he told his colleagues at the first meeting of the drafting committee, “we raise the fundamental question, what is man? Is man merely a social being? Is he merely an animal? Is he merely an economic being?” This quickly threw the group into what another member called “a maze of ideology” from which they only extricated themselves by giving Humphrey and the Secretariat the task of preparing a comprehensive draft.

But Malik’s indefatigable passion for explaining, arguing, and analyzing, although it sometimes irritated his colleagues, provided essential intellectual muscle enabling them to hammer out the declaration’s text. His Old Testament prophet’s appearance—“enormous head, immense arc of a nose, burning black eyes, bristling curly black hair and bushy black eyebrows,” as one associate described him—made him a conspicuous figure at the UN.

The other philosopher on the committee, and the one who gave the strongest sense of universalism to the work, was Peng-chun Chang of China. In 1947 and 1948, with Mao about to take over in Beijing, he too was preoccupied by events in his own part of the world and by the West’s apparent indifference to the fate of China. In his youth Chang had benefited from the generosity of the United States, which, alone among its allies, had devoted a part of the enormous reparations paid by China after the 1898 Boxer Rebellion to finance scholarships for Chinese for advanced study in the United States. Chang had earned a doctorate in philosophy under John Dewey at Columbia University in 1921. When the Japanese invaded China in 1937, Chang, by then a well-known educator, playwright, and literary critic, fled Nankai University disguised as a woman. He became a diplomat with the mission of making Europe and America aware of Japanese atrocities in China and of promoting an understanding of Chinese culture.

The occasional clashes between Charles Malik and P.C. Chang, both strong personalities, were important to the shaping and balance of the declaration. Their disputes were, as Glendon puts it, partly a confrontation between religious and secular worldviews, and partly disagreements about how far one could go in the direction of pragmatic compromises without putting truth, and therefore universality, up for grabs. Malik believed the Declaration should be anchored more explicitly in “nature,” Chang thought it better to leave it up to each culture to supply its own account of the philosophical underpinnings of human rights.

The intellectual solidarity of Mrs. Roosevelt’s drafting group was put to a final test in Paris in the fall of 1948, when the General Assembly’s social affairs committee showed signs of wanting to negotiate the text of the declaration all over again. Mrs. Roosevelt presented the text as a statement of principles that set up “a common standard of achievement for all peoples and all nations” and urged the members not to be distracted “by a search for absolute perfection.” It was important that all governments should have a sense of having participated in the birth of something as important as the declaration. Charles Malik, as chairman of the General Assembly’s
Social Affairs Committee, managed to let everyone speak and to keep speakers to a reasonable length. Even so, it took eighty meetings and 170 amendments before the committee adopted the draft. In the final vote in the General Assembly, twenty-three out of the thirty articles were adopted unanimously. Of the UNs’ fifty-eight members, eight countries abstained: Saudi Arabia, which objected, among other things, to equal rights in marriage; South Africa, which, with the new apartheid legislation, objected to principles of equality; and the Soviet bloc, which claimed that the declaration lacked respect for state sovereignty.

The declaration drew adverse comments from both sides of the Iron Curtain. The 1948 Paris General Assembly, Vishinsky said, would go down in UN history as one in which the majority, led by the Anglo-American bloc, had ignored the sovereignty of member states and attempted to interfere in the domestic affairs of “certain countries.” (This did not prevent Soviet leaders from using accusations about human rights violations as a weapon in the cold war.) The president of the American Bar Association, Frank E. Holman, derided the declaration, saying that it would “promote state socialism, if not communism, throughout the world.” On leaving the assembly hall at midnight after the vote, Mrs. Roosevelt “wondered,” as she later wrote, “whether a mere statement of rights, without legal obligation, would inspire governments to see that these rights were observed.” That has been the real question ever since.

Recently in these pages Michael Ignatieff quoted Kofi Annan’s description of the Universal Declaration of Human Rights as a “yardstick by which we measure human progress.” How far has the declaration actually contributed to that progress? Like other declarations of faith before it, the Universal Declaration has frequently been cited and more frequently violated, but the concept of human rights has gradually increased its hold on the human imagination and on national behavior.

There is no question, however, that the Universal Declaration has sometimes been treated hypocritically. It was used as an argument for the legitimacy of struggles for independence or liberation; but many of the new regimes who made reference to it, once installed, acted as if it hardly existed. The declaration was referred to in the constitutions of nineteen newly independent African states and it is the model for human rights provisions in seventy other constitutions. But in the recent internal conflicts in Africa and elsewhere, especially where governments have lost their authority, the concepts of both human rights and political liberty have almost completely disappeared. Saddam Hussein’s Iraq is unapologetically in a class by itself in such matters, but many other states, justifying themselves on cultural, political, or religious grounds, are still in obvious violation of articles of the declaration.

The United Nations, as an intergovernmental organization, has, until recently, been reluctant to censure its more powerful members on human rights matters. Except in Europe, with its European Human Rights Court, specific action on human rights still depends largely on the decisions of governments. In this perspective, the establishment of UN war crimes tribunals at The Hague and at Arusha, in Tanzania, are historic developments. Although the tribunals do not derive directly from the Universal Declaration, they reflect both its concerns with “barbarous acts that have
outraged the conscience of mankind” and its insistence that “no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.” In these tribunals we can see the principles of the Universal Declaration converging with the UN’s increasing involvement in humanitarian emergencies and with conventions on the laws of war and the treatment of prisoners.

The Universal Declaration, moreover, has provided the basic text and inspiration for a development that Mrs. Roosevelt and her colleagues did not anticipate—that nongovernmental organizations would take the lead in denouncing human rights abuses and mobilizing activist human rights groups throughout the world. In 1961 Amnesty International was founded, initially to help “prisoners of conscience.” Human Rights Watch grew out of the 1975 Helsinki Watch, a group that had been quickly organized in Europe and in the US to monitor the human rights provisions of the Helsinki Accords. Human Rights Watch’s 2001 World Report 2 covers seventy-one countries, including the United Kingdom and the United States, and its programs deal with an enormous range of human rights issues, including torture, child soldiers, land mines, and academic freedom. This kind of advocacy, well researched and skillfully publicized, builds up pressure and active public interest not only in existing human rights violations, but also in future questions like the place of human rights in the process of globalization. That such organizations have multiplied and have acted as a goad to the conscience of politicians would, I think, have been a source of great satisfaction to Eleanor Roosevelt.

Although the Soviet Union has been gone for more than ten years now, and much satisfaction is expressed over the spread of democracy, international intervention to protect human rights remains a highly controversial question. The NATO action over Kosovo, the most extreme such action so far, was not, and could not have been, authorized by the Security Council or any other governmental organ of the UN. For the Council, the principle of national sovereignty and the consequent aversion to international intervention tends to become a dominant consideration at precisely the time when it might still be possible to head off a disaster. In retrospect, of course, it is equally common for many of those who have prevented action to deplore the subsequent inaction. There has been no hesitation in denouncing the UN’s failure to prevent the genocide in Rwanda—an action that, in current political conditions, could not have been approved sufficiently far in advance to avert the tragedy entirely. It will be many years before human rights intervention becomes the rule rather than the exception.

In the meantime there have been other forms of progress in protecting human rights. Not only have International Criminal Tribunals for the former Yugoslavia and for Rwanda broken new ground; there is a good prospect that the International Criminal Court—created to prosecute genocide, war crimes, and crimes against humanity, most recently including rape—will come into existence by 2002. For the first time in history, criminal or murderous rulers can no longer count on impunity, although, as the current Human Rights Watch report points out, the scope of today’s global human rights problems far exceeds the capacity of global institutions to address them.
The Universal Declaration of Human Rights initiated an immensely important revolution in human affairs. In its first fifty years its progress has been spasmodic and often obstructed. Ideas and undertakings of this magnitude, involving radical shifts in human behavior, move forward slowly. Abraham Lincoln’s remarks, quoted by Mary Ann Glendon, about the assertion of human equality in the Declaration of Independence give as good an account as any of this process:

They [the drafters of the 1776 Declaration] did not mean to assert the obvious untruth, that all were then actually enjoying that equality, nor yet, that they were about to confer it immediately upon them…. They meant simply to declare the right so that the enforcement of it might follow as fast as circumstances should permit.

They meant to set up a standard maxim for free society which should be familiar to all: constantly looked to, constantly labored for, and thereby constantly spreading and deepening its influence and augmenting the happiness and value of life to all people, of all colors, everywhere. During a critical period in history, Eleanor Roosevelt and her small team seized the moment and gave lasting life and form to the idea of universal human rights. They set up a standard that would become increasingly “familiar to all.” Future generations may well see this achievement as one of the most far-reaching and benevolent in all of human history.
