

Mary Ann Glendon: Is the Universal Declaration “Western”?¹

Contrary to what is often suggested, the participation by developing countries in the framing of the Declaration was by no means negligible. At the U.N.’s founding conference in San Francisco in 1945, it was chiefly the smaller or less-developed nations who were responsible for the prominent position of human rights in the U.N. Charter. Within the eighteen-member Human Rights Commission, China’s Peng-chun Chang, Lebanon’s Charles Malik, the Philippines’ Carlos Romulo, and Chile’s Hernàn Santa Cruz were among the most influential and active members. It is sometimes said that the educational backgrounds or professional experiences of widely traveled men like Chang and Malik “westernized” them, but their performance in the Human Rights Commission suggests something rather different. Not only did each contribute significant insights from their own culture, but each possessed an exceptional ability to understand other cultures, and to “translate” concepts from one frame of reference to another. Those skills, which can hardly be acquired without substantial exposure to traditions other than one’s own, are indispensable for effective cross-cultural collaboration and were key to the adoption of the Declaration without a single dissenting vote in 1948.

The Declaration itself was based on extensive comparative study. The first draft, prepared by the U.N. Secretariat, was accompanied by a 408-page document showing the relationship of each article to provisions of the world’s existing and proposed constitutions and declarations. When the Human Rights Commission’s second draft was submitted to U.N. members for comment, responses were received from a group of nations that included Brazil, Egypt, India, Mexico, and Pakistan, South Africa, Sweden, and the United States.

Among the fifty-eight Member States represented on the U.N. General Assembly’s committee which reviewed the near-final draft in the fall of 1948, there was even greater cultural and ideological diversity. This Committee was chaired by Charles Malik. It included six members from Asia, four from the African continent (Egypt, Ethiopia, Liberia, and South Africa), plus the large Latin American contingent. Six of the “European” members belonged to the communist bloc; Islamic culture was strong in eleven; and four had large Buddhist populations. Over the course of more than a hundred meetings, the members of this large committee went over every word of the draft. Each country’s representatives were given, and most of them enthusiastically seized the opportunity to participate. At the end of this process, Charles Malik could justly say of the Universal Declaration that “All effective cultures in the world had a creative hand in the shaping of the document [...].”

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It was, of course, true that much of the world's population was not represented in the U.N. in 1948. Large parts of Africa and Asia in particular remained under colonial rule.

The defeated Axis powers, Japan, Germany and their allies, were excluded. On the other hand, subsequent actions by the non-represented countries suggest that cultural "diversity" has been greatly exaggerated where basic human goods are concerned. Most new nations adopted constitutions resembling the Universal Declaration as soon as they gained independence. Later, nearly all of these countries ratified the two 1966 Covenants based on the Declaration. In 1993, virtually all countries in the world participated in the adoption of the Vienna Human Rights Declaration which reaffirms the Universal Declaration. It is hard to dismiss this overwhelming endorsement of the principles of the Declaration as a mere vestige of the colonial mentality.

It is unlikely that any other political document in history has ever drawn from such diverse sources, or received the same worldwide, sustained consideration and scrutiny as the Declaration underwent over its two years of preparation.

But what of the second objection mentioned above—the fact that several key ideas in the Declaration were initially described as rights in early modern Europe? After surveying leading philosophers and religious thinkers the world over, the UNESCO group discovered to its surprise that a few basic practical concepts of humane conduct were so widely shared that they "may be viewed as implicit in man's nature as a member of society." Freedom, dignity, tolerance, and neighborliness, they found, were highly prized in many cultural and religious traditions.

Nevertheless, the elaboration of these concepts as "rights" was a relatively modern, and European, phenomenon. So, does that give human rights a genetic taint that prevents them from being "universal"? Surely, their origin ought not to be decisive. The question should be not who had the idea first, but whether the idea is a good one; not where the idea was born, but whether it is conducive to human flourishing. Moreover, if a legal-political idea originated in one country but was widely adopted and internalized elsewhere, for how long and in what sense does it still "belong" to its country of origin? Do not all vibrant, living cultures constantly borrow from one another? As the Chinese member of the first Human Rights Commission, P.C. Chang, observed long ago, "Culturally, there are many 'Easts' and many 'West's'; and they are by no means all necessarily irreconcilable."

The Declaration's framers, however, never envisioned that its "common standard of achievement" would or should produce completely uniform practices. P. C. Chang stressed that point in his 9 December 1948 speech to the General Assembly urging adoption of the Declaration.

He deplored that colonial powers had tried to impose on other peoples a standardized way of thinking and a single way of life. That sort of uniformity could only be achieved, he said, by force or at the expense of truth. It could never last. Chang

and his colleagues on the drafting committee expected the Declaration's rights would be inculcated in various ways, and that over time the corpus of human rights would be enriched by these varied experiences.

QUESTIONS FOR A DISCUSSION:

Explain how the process of drafting the Universal Declaration of Human Rights went and how different cultures were included in the drafting process?

What happened with the countries that were not present in the drafting process? How did they approach the Universal Declaration of Human Rights?

Are there some moral principles widely shared by all cultures? Is the question where some idea first emerged decisive for calling it "Western" or "Eastern"?

Should the Declaration be implemented in the same way everywhere?