



## History and Human Rights: People and Forces in Paradoxical Interaction

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**To cite this article:** Paul Gordon Lauren (2008) History and Human Rights: People and Forces in Paradoxical Interaction, *Journal of Human Rights*, 7:2, 91-103, DOI: [10.1080/14754830802070291](https://doi.org/10.1080/14754830802070291)

**To link to this article:** <https://doi.org/10.1080/14754830802070291>



Published online: 14 Jun 2008.



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## History and Human Rights: People and Forces in Paradoxical Interaction

PAUL GORDON LAUREN

*The history of human rights is complex and often appears to be confusing and even contradictory. This article seeks to explain why this is so, and why there are both successes and failures, by focusing upon paradoxes in the interactions among people and forces. In doing so, it pays particular attention to individual men and women and the roles played by religious belief, ideas and philosophical opinion, technology, violence and upheavals, and human catastrophes or atrocities, noting that each of these has contributed not only to the promotion of human rights but to the abuse of human rights as well.*

The broad and rich canvas of history and the human experience from ancient times to the present records and reveals that people and forces constantly interact with each other in highly dynamic and extraordinary complicated ways. At times these people and forces combine with each other and move toward a particular direction or purpose. On other occasions they fiercely compete with each other and resist change. It is when they manifest inconsistent and contradictory elements of both cooperation and conflict that they present profound paradoxes.

This feature applies to all of history, but it is particularly characteristic of the subject of human rights. There can be little doubt that through time individual men and women have worked closely with particular forces in ways to make advances in human rights nothing short of revolutionary. Dramatic and impressive changes in the discourse, standards, instruments, institutions, mechanisms and treaty-monitoring bodies, humanitarian law, international human rights law, international criminal law, and the creation of international tribunals stand as vital testimonies to the progress that has been made.<sup>1</sup>

Nevertheless, just as people have been absolutely necessary for the transformation of human rights in the world, so too it is people who have been the very agents of horrendous abuses, cruelty, and injustice. By the same token, the forces of religious belief, ideas and philosophical opinion, technology, violence and upheaval, and atrocities that have contributed so heavily to the progress of human rights, as shall be discussed, also have done

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so much to violate them. Thus, the paradoxes created when what has been used to advance human rights also has been used to abuse those very rights.

The existence of these paradoxes helps in understanding why the historical evolution of human rights has never been tidy, precise, direct, or steady. There has been no such thing as a straight line or “unbroken chain” of development or progress. Due to the complex and paradoxical nature of these people and forces of history, there have been twists and turns, fits and starts, false starts, advances and setbacks, progressive movements and detours, genuine support and blatant hypocrisy, standards and double standards, highly predictable behavior and completely unintended consequences, and controversies, all caught between change and continuity and heavily influenced by domestic and international politics and their relationship to power. This helps to explain why, despite all of the progress, so many of the achievements are not fully complete, why so many serious human rights abuses still occur, and why so many intellectual and practical difficulties of human rights remain unresolved.

### **Continuity and Change in History**

Elements of continuity and change are always present in history. In terms of human rights, most of history has demonstrated a long and painful continuity of abuse.<sup>2</sup> Throughout most times and places, the few governed the many as traditional, hierarchical, authoritarian regimes demanding unconditional obedience from their subjects ruled the earth. Human bondage was common. Slavery and serfdom, of individual men and women being treated as property rather than people, were widely accepted as the norm and “the natural order” of the universe. Prejudice and discrimination were common. Half of the human race, for example, suffered solely due to their gender, as women experienced widespread abuses in patriarchal, male-dominated societies expecting them to “know their proper place.” Others suffered because of the color of their skin, as racial distinctions all too frequently provided the badge distinguishing master from slave, the conqueror from the conquered, or the killer from the victim in genocide. Some suffered in exploitation due to their economic and social class or caste. Many experienced harsh intolerance and brutal persecution because of their religious beliefs, political persuasion, nationality, language, or ethnicity. Torture as a form of punishment, deterrent, and even public spectacle was common and sanctioned by existing law.

In addition, virtually all governments regarded how they treated those under their control and how they advanced their own interests as being within their own domestic jurisdiction and exclusive national sovereignty, and thus not subject to any outside international standards, scrutiny, criticism, or interference. If a government desired to acknowledge that its people—or some of them—had rights, it could. If, instead, it wanted to exploit them, to persecute them, to segregate them, to forcibly convert them, to torture them, to enslave them, or to conduct genocide against them, it could do that as well.

When this doctrine of national sovereignty was not only asserted—but also 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; for that law was designed to protect only nations and their leaders. Consequently, those in charge of governments understood for centuries that they could act in the name of their state as they wished, in the full knowledge that international law applied only to states and not people, shielding them from any individual responsibility, and thereby reinforcing a widespread culture of impunity.

In this can be seen why, in the vast and complex history of the world, most people experienced not human rights but rather serious and often severe abuses. No place on earth could claim that human rights for all were somehow broadly based or solidly grounded in their cultures or their practices, for they simply were not. Indeed, the extent and duration of this continuity weighed so heavily on the famous American 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.<sup>3</sup>

This long and entrenched history of abuse and impunity possessed formidable power. In fact, the continued existence of some of its features bears all too ample testimony to its strength. It was created, maintained, and defended by tradition, practice, vested interests, and domestic and international law. Any significant attempts to change or to transform its practices obviously would require the mobilization of many extraordinary people and forces. Through time, they emerged. Sometimes these worked in cooperation with each other toward a common goal. Sometimes they contested each other in conflict. And sometimes they demonstrated elements of each, creating paradoxes for human rights still with us today.

These people and forces reflected different influences, circumstances, approaches, and the structure of power at any given time. Some evolved slowly over centuries; while others emerged during the course of a single lifetime and had an immediate impact. Some worked through contemplations of the heart and reflections of the mind; while others worked through the pain and suffering of violence, war, and atrocities. Some proceeded very deliberately; while others manifested themselves in a variety of often unanticipated ways, circumstances, and places. But through time, and in combination, some of them became powerful enough to begin to change the political, social, economic, legal, and moral landscape of human rights in the world.

### **Individual Men and Women**

People have been and remain the major actors of history. They may be wise or foolish, compassionate or vengeful, deliberative or impulsive, tolerant or bigoted, giving or selfish, pure in spirit or full of mixed motives, honest or hypocritical, believe in moral persuasion or are quick to use armed force, steady or inconsistent, and confident or frightened, but because of design or chance, position or character, individual men and women living and acting within their own particular context matter.<sup>4</sup>

The ultimate impact of the forces of history came about because they were interpreted, manifested and used within the lives of individual human beings. These were the courageous men and women who refused to accept the prevailing cultures of impunity of their time, who envisioned a world in which all people enjoyed certain basic rights, who believed that they had a responsibility to others, and who refused to be silent in the face of abuse. They knew that just because their leaders spoke about “peace” and “human rights” did not mean that they actually followed policies that enhanced peace and human rights. They resisted failing prey to intimidation by fierce and determined opposition, to skepticism or cynicism generated by the imperfections in humankind and society, to the notion that

they somehow had to meekly accept the world as it was, to the dangerous argument that patriotism requires conformity and silence in the face of abuse, or to the seductive idea that their religious beliefs and their nation's interests were somehow synonymous. Instead, they believed that they should speak out when they saw abuses and that they could make a difference and were willing to make sacrifices and sometimes suffer for something beyond themselves on behalf of visions of human rights in which they truly believed. Without these individuals, the advancements in human rights would have never occurred.

Here one thinks of the famous champions of human rights who refused to be silent in the face of abuse: Bartholomé de Las Casas challenging his government and his church on behalf of indigenous peoples in the New World *In Defense of the Indians* in the sixteenth century,<sup>5</sup> Mary Wollstonecraft with the courage to write *A Vindication of the Rights of Women* in the eighteenth century,<sup>6</sup> Thomas Clarkson and William Wilberforce who labored indefatigably to end the slave trade, and William Lloyd Garrison who struggled to liberate slaves in the nineteenth century,<sup>7</sup> Peter Benenson who created Amnesty International to protect prisoners of conscience, and Martin Luther King, Jr. who struggled against racism in the twentieth century,<sup>8</sup> and, more recently, the fight of Nelson Mandela against apartheid and the campaign of Shirin Ebadi on behalf of democracy and the rights of women and children in Iran and Islamic societies.<sup>9</sup>

Different people influence history in different ways, and sometimes it is not the well-known but rather the not-so-famous, the ordinary, or even the unknown. Their contributions have been significant and were recognized by Eleanor Roosevelt when she described them as "the everyday people":

Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they often cannot be seen on maps of the world. Yet they ARE the world of the individual persons; the neighborhood . . . , the school or college . . . , the factory, farm, or office . . . Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning here, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world.<sup>10</sup>

These are the individuals who worked for human rights in quiet ways close to home, who gave of their time in local neighborhoods, who volunteered in faith communities or other nongovernmental organizations that assist others, who sheltered refugees, who wrote letters or protested abuses, and others—like the young, nameless man standing in front of a armored tank in Tiananmen Square in 1989—who took a stand wherever they lived.

Yet, paradoxically, if individual men and women have been the advocates of human rights, they also have been the abusers of human rights. These are the people in history who refused to share power, who demanded obedience, who insisted on exclusive privilege and prerogatives, and who sought identity in terms of differences and distinctions based on gender, race, caste or class, belief, ethnicity, or nation in such a way that others would not be regarded as fully human and therefore not entitled to rights. These include the pharaohs of ancient Egypt, the Caesars of Rome, the emperors of Byzantium, the caliphs of the Islamic world, the khans of the Mongols, the emperors of China and Japan and of the Aztecs and Incas, and the absolute monarchs of Europe. More recently, one thinks of the specific individuals of Joseph Stalin, Adolf Hitler, Pol Pot, Augusto Pinochet, Slobodan Milosevic, and Saddam Hussein, among others. But it is not just these well-known leaders who abuse. One must again also include the countless numbers of ordinary individuals

like those who willingly captured and transported slaves as human cargo, who fought on behalf of wars of imperialism and conquest, who oppressed women in their own homes, who engaged in lynching and then smiled at the camera for a photograph of the event, who exploited others for their own social or economic gain, who picked up machetes and hacked their neighbors of another tribe to death, who attacked innocent civilians either in war or in suicide bombings, or who supported their own governments even if they engaged in flagrant human rights abuses.

## **Religious Belief**

One of the important forces of human rights in history has been religious belief.<sup>11</sup> Despite all the uses, misuses, and human rights abuses conducted in the name of religious institutions, all of the world's major religions hold out visions of the dignity and worth of each member of the larger human family. They attempt to teach about the best of possible human relationships rather than the worst, addressing matters of justice, compassion, benevolence, and responsibilities to care for the oppressed or those who suffer. These religious beliefs established visions of ideals and normative standards that proved to be of enormous inspiration and strength for those even centuries later who campaigned on behalf of human rights. Moreover, they also helped establish an ingredient essential for any and all international human rights: a concept of duty or responsibility toward common humanity. Demands or assertions for human rights in one place would have remained forever unanswered or isolated unless there had been people elsewhere in the world who believed that they had larger responsibilities to protect those suffering beyond their own borders.

For example, it is virtually impossible to understand the great human rights efforts to end the slave trade or slavery itself without the deep religious motivations of the Abolitionists,<sup>12</sup> to bring freedom and independence in India by nonviolent means without Gandhi's Hindu convictions,<sup>13</sup> to advance racial equality and then truth and reconciliation in South Africa without the Christian beliefs of Desmond Tutu,<sup>14</sup> or to promote human rights and democracy in Burma without Aung San Suu Kyi who constantly refers to her Buddhist belief in the sanctity of all human life as the critical motivation of her work.<sup>15</sup> Those who risk personal attacks and are active in Rabbis for Human Rights do so because of the tenets of their Jewish faith,<sup>16</sup> and many of those who work on for the Arab Organization for Human Rights do so because of their belief in the teachings about compassion in Islam.<sup>17</sup>

But religious beliefs also have been used, manipulated and perverted by people in ways that have profoundly violated human rights in history. In the hands of those leaders more committed to secular rather than spiritual objectives willing to ignore the precepts of compassion and justice integral to their faith, religion often has been used to justify the existing order and to sanctify horrendous intolerance and discrimination, hateful bigotry, rigid hierarchy, forced conversion, misogyny and the subordination of women, persecution, slavery, military conquest, torture, and violence against innocents. Among many other examples, history reveals centuries of anti-Semitism, the Spanish Inquisition against "non-believers," wars between Sunnis and Shi'ites and between Catholics and Protestants, violence between Hindus and Muslims, crusades against "heathens," and jihads or holy wars against "infidels."

## **Ideas and Philosophical Opinion**

Ideas and philosophical opinion also have contributed another major source of human rights and force of transformation. Intellectuals and philosophers in many diverse times and places

have wrestled with difficult questions about the worth of each person, liberty, tolerance, justice, the universality of fundamental principles, duties to others, the need to protect the individual against the abuses of power, war and peace, and the very purpose of law.<sup>18</sup> The important philosophical concept of natural law, for example, held out the vision that all people are endowed with certain natural rights simply because they were born as human beings and thus entitled to claim them.<sup>19</sup> These included such rights as those to life, liberty, the ownership of property, freedom of expression, religious toleration, and due process and equal protection under the law. Such natural rights existed independently of any particular government or political authority and thus served as a standard against which the practices and the laws of any regime should be judged.

In this regard, one thinks of the philosophical writings of Mo Zi and Mencius in China,<sup>20</sup> Plato and Cicero at the time of classical Greece and Rome,<sup>21</sup> Hugo Grotius and John Locke in the seventeenth century,<sup>22</sup> and especially the Enlightenment *philosophes* like Jean-Jacque Rousseau, Voltaire, Montesquieu, and Immanuel Kant, as well as the highly influential publicist Thomas Paine in the eighteenth century.<sup>23</sup> Their influence can be seen clearly in the language of the US Declaration of Independence that “all men are created equal, that they are endowed by their Creator with certain unalienable rights”<sup>24</sup> and of the French Declaration of the Rights of Man and Citizen asserting the “natural and imprescriptible” rights of all men.<sup>25</sup> This philosophical position is expressed again in the Universal Declaration of Human Rights when it speaks in the very first sentence of “the inherent dignity and of the equal and inalienable rights of all members of the human family.”<sup>26</sup>

But other ideas and opinions fiercely resisted human rights and attempted to provide intellectual or philosophical justification for abuses. If ideas can be weapons, then these provided the arsenal of the dominant counterforces. Instead of rights, they stressed obedience. Instead of universalism, justice, and equality, they demanded privilege based on gender, race, caste or class, nationality, or some other form of difference. Here, some of the classics include Jacob Sprenger insisting on misogyny against women,<sup>27</sup> Jean Bodin in the sixteenth century and Thomas Hobbes in the seventeenth century stressing monarchical absolutism and national sovereignty,<sup>28</sup> Edmund Burke in the eighteenth century arguing that people should know and remain in “their proper place,”<sup>29</sup> and in the nineteenth century Arthur de Gobineau who earned the title of the “father of modern racist ideology” as the result of his arguments on the racial superiority of whites and Jeremy Bentham who declared starkly that “natural rights is simple nonsense.”<sup>30</sup> In the twentieth and twenty-first centuries it is not at all difficult to find expressions of exclusive nationalism and national sovereignty, racism, sexism, fascism and Nazism, communism, unrestrained capitalism, and extreme forms of fundamentalism, all of which carry the potential of abusing the human rights of others.

## Technology

Yet another transforming force has been that of technology. Revolutionary changes in transportation and communication played a particularly critical role, for it enabled human rights abuses in one part of the world to be known elsewhere. Throughout history, tyrants always thrived on darkness, on distance, on ignorance and superstition, on silence, and on their capacity to hide and to deny information. They knew full well that they could largely suppress or censor information and that any news about exploitation, conquest, massacre, or other abuses would emerge only well after the fact. As one observer noted, “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.”<sup>31</sup>

This level of awareness of human suffering increased dramatically in the nineteenth century with transportation and communication advances, mass circulation newspapers, the telegraph, photography, and something as seemingly simple as the invention of the inexpensive postage stamp. Today, as a result of the electronic revolution of the twentieth and twenty-first centuries and technological globalization, the impact on human rights of images captured and conveyed by television, handheld video cameras, fax machines, laptop computers, scanners, intelligence-gathering satellites, and the images, words, and sounds and information about human rights violations made instantly available to the world by means of CNN, computer technology, and the Internet can hardly be overemphasized.<sup>32</sup> They can transcend time and distance, override government media control, transcend geographical and political barriers, breakdown ignorance and disbelief, as well as giving victims a means to tell of their plight and plea for protection. Moreover, the sophisticated combination of modern transportation, communication, and weapons technology also makes it possible to not only discover abuses but to take action designed to defend democracy, to confront tyranny and oppression, or to engage in international humanitarian intervention when necessary in genocide to protect completely vulnerable victims with no place else to turn.

Yet, like the other forces of history, technology is a sword that cuts both ways that also has been used by people to violate human rights. The transportation technology that makes it possible for human rights campaigners to travel rapidly from one part of the world to another on behalf of victims can be used just as easily to traffic in women and children across borders or to transport armed forces for conquest. The communication technology that makes it easy to reveal violations of human rights can just as easily be used to spread disinformation and propaganda or to jam transmissions. The advances in weapons technology made possible by the Industrial Revolution in the nineteenth century, for example, have escalated almost beyond imagination. As a result of the “Battle of the Drawing Boards” of the Second World War, it became possible to kill staggering numbers of people in an instant. Subsequent developments of nuclear, chemical, and biological weaponry created, for the first time in history, horrendous weapons of mass destruction whose potential in the hands of either governments or terrorists imposed staggering dangers for the basic right to life as we know it across the planet.<sup>33</sup>

## **Wars, Revolutions, and Upheavals**

Not all advances in human rights have come from beliefs, or ideas, or technological inventions. Some have come from violence. That is, wars, revolutions, and other upheavals have provided yet another critical force in transforming the international protection of human rights. They all demonstrated the capacity to destroy existing structures of authority, privilege, and vested interests. Violence and upheaval tear away power from those unwilling to share it voluntarily, thus opening up new possibilities for change. They often enable, encourage, or actually force the survivors to test their previous assumptions and habits of thought, to acknowledge limitations of the past, to assess the legitimate authority of governments, and to seriously consider the meaning of human rights.

One thinks, for example, of the enormous advances in human rights made in the wake of the English Glorious Revolution, the American Revolutionary War, the French Revolution, the American Civil War, the First World War, the Second World War, and the monumental movement of decolonization. In the end, for example, the Second World War not only



liberated millions of people from the horrors of conquest but it played a powerful role in transforming certain ways of thinking about international human rights. One of these was the proposition that a close connection exists between peace and human rights. That is, that governments who violate the human rights of their own people or their neighbors are the most likely to threaten peace and security, whereas those who respect these rights are more likely to be peaceful participants in the world community. As the influential Commission to Study the Organization of Peace concluded in its hard-hitting report entitled *International Safeguard of Human Rights*:

Now, as a result of the Second World War, it has become clear that a regime of violence and oppression within any nation of the civilized world is a matter of concern for all the rest. It is a disease of the body politic which is contagious because the government that rests upon violence will, by its very nature, be even more ready to do violence to foreigners than to its own fellow citizens. . . .<sup>34</sup>

The war also provided a powerful point of comparison and reflection at home and abroad on matters of race.<sup>35</sup> Within the United States, African Americans increasingly became vocal about the paradox between being asked to sacrifice their lives for freedom and liberty while knowing that provisions in the Bill of Rights did not apply to them in a segregated country. At the same time, the nationalist leader Rev. Ndabaningi Sithole writing from Africa observed:

During the war the African came in contact with practically all the peoples of the earth. He met them on a life-and-death basis. He saw the so-called civilized and peaceful and orderly white people mercilessly butchering one another just as his so-called savage ancestor had done in tribal wars. He saw no difference between the primitive and the civilized man. In short, he saw through the European pretensions that only Africans were savages. This had a revolutionary psychological impact upon the African.

But there was still more:

During the war the Allied Powers taught the subject peoples (and millions of them!) that it was not right for Germany to dominate other nations. They taught the subjugated peoples to fight and die for freedom rather than live and be subjugated by Hitler. Here then is the paradox of history, that the Allied Powers, by effectively liquidating the threat of Nazi domination, set in motion those powerful forces which are now liquidating, with equal effectiveness, European domination of Africa.<sup>36</sup>

Despite these productive and progressive contributions, however, the fact remains that it is the nature of wars, revolutions, and upheavals to destroy. They are staggeringly destructive to human life, as revealed by the fact that the First World War killed an estimated ten million people and the Second World War took the lives of more than fifty million men, women, and children, and particularly important for human rights, among these the majority were civilians rather than combatants.<sup>37</sup> In addition, they often suspend or destroy the right of equal protection under the law, civil liberties, and freedoms of those caught up in their wake. Government leaders fighting wars at home or abroad historically have sought to remove any restraints upon their actions or criticism of their behavior. During the First World War, for

example, even the two most developed democracies greatly increased executive powers and imposed severe limitations upon the freedom of speech and civil liberties of their citizens, as evident by the Defense of the Realm Act in Britain<sup>38</sup> and the 1917 Espionage Act and the 1918 Sedition Act in the United States effectively suspending any number of provisions in the Bill of Rights, as predicted by dissenting members of Congress.<sup>39</sup> More recently, one thinks of particular provisions in the USA PATRIOT ACT and the creation of special military tribunals for “enemy combatants” in the “war on terrorism.”<sup>40</sup>

## Atrocities

One of the most important historical forces of transformation—and perhaps the most tragically paradoxical—has been that of enormous human catastrophes, or atrocities. The markers on the long road toward human rights in history have all too often been forged in blood and in pain. Tremendous suffering, horrific brutality, massive torture, extensive murder and genocide, and brutal persecution have revealed in absolutely shocking ways that defy the imagination just how inhumane people can be to others. Such actions—described by some like Immanuel Kant, Hannah Arendt, and others as so profound as to constitute “radical evil”<sup>41</sup>—have demonstrated perhaps as nothing else could the consequences of apathy, of ignoring human rights abuses, or of allowing leaders to hide behind a shield of national sovereignty. Time and time again, those men and women either eagerly or reluctantly involved with the evolution of international human rights have spoken of this feature, its capacity to completely shock normative values and to prick what they call “the conscience of mankind,” and its power to provoke outrage in such a way as to force them to cross a critical and transformative moral threshold that takes them from passivity to participation.<sup>42</sup> As one individual describes that point of decision in his own experience:

Human rights entered my vocabulary on 11 September 1973 when it was suddenly denied [by the dictatorial regime of Augusto Pinochet] to one-third of the Chilean population. That was a watershed. That defining moment has sustained my vision of what abuses of human rights are all about. It has driven me.<sup>43</sup>

These cases of egregious atrocities are all too easy to identify: slavery, torture, lynching, rape, massacres, conquest, and genocide. The extermination of perhaps one million Armenians by the Turks in 1915 provided one of the first twentieth century’s first examples. This was followed by the events of the Second World War and especially the Holocaust perpetrated by the Nazi regime and accurately described as nothing short of “an orgy of inhuman brutalities,”<sup>44</sup> which broke through the moral threshold for many people and governments around the world and make them determined to begin to take action. The resulting outrage explains why the founders of the United Nations announced their determination in the Charter “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,”<sup>45</sup> incorporated human rights provisions within the Charter itself, created the International Military Tribunal, and participated in setting precedents that would influence the future of international criminal jurisdiction, negotiated the International Convention on the Prevention and Punishment of the Crime of Genocide, and approved the landmark Universal Declaration of Human Rights. Indeed, this is precisely what the authors of the Declaration meant when they wrote in the text: the “disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.”<sup>46</sup>

The role of more contemporary atrocities also plays a role in shocking people out of their complacency, encouraging them to hold leaders accountable, and reminding them of the relationship between peace and respect for human rights. One thinks, for example, of the hundreds of thousands of innocent victims in Bosnia and Croatia brutalized in an orgy of horror, unspeakable atrocities including sexual violence and rape, torture, mass executions, and genocide described by Serb leaders Slobodan Milosevic and others as “ethnic cleansing.” The resulting revulsion caused nations heretofore silent to speak out and to create an international criminal tribunal. Atrocities in Rwanda did exactly the same. Both of these cases, in turn, led to the meeting of representatives from more than 150 nations who met to negotiate the 1998 Rome Statute. They began by reflecting on the lessons they had learned from the past and observing that they were

Mindful that during this century millions of children, women, and men have been victims of unimaginable atrocities that deeply shock the conscience of mankind,

and thus

Determined to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes.<sup>47</sup>

In the end, the vast majority of delegates declared their intention to create the path-breaking permanent and independent International Criminal Court designed to hold individual leaders responsible if they are accused of the worst abuses of war crimes, crimes against humanity, and genocide.

Today, one cannot help but wonder what will be the ultimate effect of current atrocities: the revelations that emerged from the trials of Saddam Hussein and Charles Taylor, genocide in Darfur, the taking of innocent civilian lives by terrorists in suicide attacks as well as nation-states in warfare, or prisoner abuse and torture at the naval base at Guantanamo Bay, at Abu Ghraib prison, in Afghanistan, and at undisclosed “black” sites of extraordinary rendition where detainees are hidden beyond the reach of the rule of law.

## **Conclusion**

The existence of these many paradoxes in the interactions between people and forces helps us to understand why the evolution of history and human rights has been—and continues to be—so complex and at times so contradictory. The complexities and irregularities they have created for the process, not surprisingly, have led to complexities and irregularities in the results. There have been dramatic and revolutionary successes in human rights and, at the same time, there have been notable shortcomings of incomplete achievements and the failures so clearly evident when abuses are inflicted.

The fact remains that tragic human rights violations continue to occur in the world, that contradictions among people and forces still exist, that conflicts between human rights and power go on, that controversies over the nature and application of human rights continue, that abuses persist, that many difficult and challenging tasks remain, and that practical problems cry out for resolution. All international treaties on human rights, for example, are all negotiated agreements, not perfect ones. Signing is not the same as ratifying. Debate still rages between those engaged in a clash between national sovereignty and international

human rights, between impunity and accountability, as evident by those countries that refuse to be bound by either the letter or the spirit of agreements or who claim that the normative rules simply do not apply to them.

Nevertheless, when considering these factors, it is also important to see the accomplishments as well as the tasks ahead in historical perspective. The evolution of human rights has always proceeded in gradual steps depending upon what was possible with the paradoxical interactions among people and forces at the time. Each step marked a willingness to examine dark places and practices as never before, to confront evils or challenge authority long taken for granted, to expand definitions of human rights, to establish standards, to develop international humanitarian and criminal law, to create binding human rights treaties, to hold leaders responsible for their actions, and to establish mechanisms for the practical enforcement in order to provide protection to those who suffered from abuse. The result has been that never before in history have human rights been such an integral part of the political, social, economic, legal, and moral landscape or played such an important role in the world as they do today.

## Notes

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