■ Editor's Introduction

This collection of historical primary sources examines the ways in which human beings have defined, interrogated, and made efforts to protect human rights. To begin, it would, perhaps, be helpful to address the question, "What are human rights?" In the broadest definition, human rights are rights that share these characteristics. Human rights are rights and liberties that human beings possess simply by virtue of being human. Human rights are universal, meaning they exist in every time and place; they are not limited to one location or circumstance. Human rights are also egalitarian, meaning that all people are equally entitled to enjoy them, regardless of race, gender, age, religion, political beliefs, or other factors. What rights are considered fundamental human rights? That is a question philosophers, legal scholars, and others continue to debate. There are some rights that are widely accepted as being fundamental and universal: the right to life, the right to liberty and self-determination, freedom of conscience and religion. While human rights are universal and egalitarian, they are not necessarily absolute. People can lose their rights under various circumstances, but a fundamental tenet of human rights is that any loss of human rights cannot be arbitrary; there must be a legally defined process involved, and that process must be the same for everyone in the society.

One of the debates surrounding this topic is the question of whether a system of human rights should be "minimal." According to James Nickel in the *Stanford Encyclopedia of Philosophy*, some philosophers "suggest that human rights are—or should be—more concerned with avoiding the worst than with achieving the best." The opposing view to this is that a system of human rights should be aspirational, and aim toward improving human society; that human rights should be defined and protected broadly in an effort to "achieve the best." Those more expansive thinkers about human rights include such rights as the right to education, the right to adequate medical care, the right to safe housing, and other rights that form a more extensive framework of support for people within a society.

With that very basic definition of human rights in mind, the history of human rights provides insight into how these ideas have developed.

From Antiquity and the Middle Ages

While ancient humans did not perceive of the notion of human rights in the same way that modern thinkers do, there are several examples of ways in which states and societies recognized some of the fundamental concepts. Rulers would grant freedom to worship different gods, or pronounce laws that protected life and property. The concept of "citizenship" that developed in ancient Greece and Rome carried with it rights that were only possessed by citizens. In such cases, however, those rights were not judged to be truly universal—they were limited by categories such as "citizen." Even at their most broad, they were provided only to the subjects of a particularly generous monarch or other ruler. Often the term "human rights" have been applied to these kinds of historical examples, but the term is not, strictly speaking, historically accurate. The concept of "natural law" emerged in the Middle Ages, based upon the writings of some early Christian thinkers such as St. Augustine, who argued that some laws emerge from nature and human conscience rather than being externally imposed.

The Enlightenment

A key development in the historical path that would lead to the notion of universal human rights were the ideas developed by philosophers during the 17th and 18th centuries. English philosopher John Locke discussed the idea of natural rights. Locke explained that in a "state of nature"—that is an environment without human-created governments of any kind—humans beings still possessed certain rights that were natural to them as creations of God. These rights, which Locke summarized as life, liberty, and property, were not the creation of a government or a gift from a ruler. Locke's ideas, as well as those of other philosophers during this Enlightenment Era such as Jean-Jacques Rousseau, would in-

spire innovations in how governments recognized rights. The ideas fueling the American War of Independence were very much inspired by Enlighten- ment philosophers and their ideas are reflected in the American Declaration of Independence and, later, the ten constitutional amendments comprising the Bill of Rights. The Bill of Rights enumerated—or listed—a number of rights and liberties upon which the state could not impose, including freedom of speech and press, freedom of religion, and the right to be secure in one's property. Almost simultaneously, as social and political tensions boiled over into revolution in France, leaders there took steps to enshrine the "rights of man" into law. The law did not create the rights; rather, the law protected those rights.

The 19th and 20th Centuries: the Emergence of Organized Human Rights Advocacy

During the 1800s, there were several areas in which the concept of human rights began to emerge. One of these was the abolition, or anti-slavery movement. Activists and philosophers (such as the abolitionist William Lloyd Garrison) began using the phrase "human rights," and it surfaces in court decisions as well. The anti-slavery movement addressed fundamental rights such as life and liberty. Other rights movements of the 1800s and early 1900s focused on political and economic rights. Women in Europe and the United States not only sought recognition not their right to participate in the political process through voting and running for public office but also for their right to be seen under the law as independent in financial and marital matters. Workers fought for their rights of speech and free association to be protected as they formed labor unions in order to collectively bargain for better pay and working conditions. The human rights of those fighting in the many wars of the time began to receive recognition through the advent of international laws and agreements such as the Geneva Conventions. These Conventions, along with international agreements to end slavery, were but the first examples of increasingly global cooperation in the fight for human rights.

Following the First World War, the Versailles Treaty established the League of Nations as an international collective security organization. While often criticized for its inability to fully prevent armed conflict, the League should be remembered for its role in establishing bodies such as the International Labour Organization, which is still a powerful force for protecting the rights of workers around the world. The creation of the League of Nations at the close of the Second World War saw the emergence of a modern human rights movement that championed an expansive, broad interpretation of the concept of human rights and has been dedicated to using the power of multinational declarations, treaties, and other agreements to promote recognition of those rights.

Difficulties and tensions continue to persist, however, in this global effort for the recognition of human rights. One of these sources of tension is the divide between protecting religious and cultural traditions as opposed to preserving and recognizing the rights of all. International human rights instruments protect religious and cultural freedom. What is the response when their traditions come into conflict with the human rights of others? How effective can international efforts be to establish a global framework to recognize and protect human rights in hundreds of nations around the world when each of those nations possess sovereignty to chart their own legal course? These questions and the tensions that underlie them have continued to play out in the nearly eight decades since the United Nations proclaimed its Universal Declaration of Human Rights.

This is not, of course, an exhaustive discussion of the philosophic, political, or cultural implications of human rights, nor is it intended to be a complete history of the topic. For a more thorough grounding in the subject, please consult the resources listed in the bibliography at the end of this introduction.

This collection is divided into five sections. There is a degree of overlap, however, in the topics covered by the various documents. Often, different human rights concerns have points of intersection with each other. Migrant workers, for example, may be vulnerable to abuse of their economic and civil rights due to discrimination based on their ethnicity or religion. Migrant workers who are women, however, may experience additional discrimination based on their gender. The categories, then, are not exclusive but designed to highly different aspects of human rights.

Race, Ethnicity, and Colonialism

This section provides an overview of human rights concerns based on race and ethnicity. This includes cur-

rent, ongoing issues related to racial discrimination; but documents in this section also address the impact of historical events such as the Holocaust as well as European colonization and imperialism in many parts of the world.

Political and Civil Rights

The human rights issues addressed in this section concern the rights of individuals to make their voice heard within the government of their country through voting, holding public office, or expressing their political views. Civil rights are a subset of human rights that include political rights, but also other rights such as the right to religious freedom, freedom of expression, and the right to due process within the legal and judicial systems.

International Efforts and the Work of the United Nations

This section contains examples of international agreements, declarations, and statements developed not only by the United Nations but also by other organizations that work within specific geographic areas such as Europe or Africa. These documents illustrate the differences in approach and context when developing policy on a global scale compared to those developed within a regional context.

Gender, Sexuality, and the Family

This section addresses efforts to recognize and defend the rights of women in environments ranging from within their homes and marriages to their actions in the political sphere. Sexuality in the context of this collection includes the right to privacy in terms of sexual intimacy as well as the right to live one's life freely in terms of sexual orientation.

Economic and Labor Rights

Economic and labor rights include those rights relating to safe and healthy working conditions as well as the rights of workers to bargain collaboratively. This section presents documents that are historical in nature as well as international agreements that reflect the 21st century conceptions of workers' rights.

While human rights are fundamental and universal the interpretation of them has changed over time. The documents in this collection illustrate that change over time in general as well as specific historical and cultural contexts that have influenced the ways in which human rights legislation on the national level and agreements on the international level are framed.

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Bibliography and Additional Resources

Bjork, Charles. "Guides: Human Rights Law Research Guide: International Human Rights System." Accessed December 4, 2022. guides.ll.georgetown.edu/c.php?g=273364&p=1824722.

Fagan, Andrew. "Human Rights." *Internet Encyclopedia of Philosophy*. Accessed December 4, 2022. iep.utm.edu/hum-rts.

Finnis, John. *Natural Law and Natural Rights*. Oxford: Clarendon Press, 1980.

Freeman, Michael. *Human Rights: An Interdisciplinary Approach*. Cambridge: Polity, 2002.

Miller, D. "Grounding Human Rights." *Critical Review of International Social and Political Philosophy* 15, no. 4 (2012): 207-227.

Miller, R. *Global Justice: The Ethics of Poverty and Power*. Oxford: Oxford University Press, 2012.

Morsink, J. *Universal Declaration of Human Rights: Origins, Drafting, and Intent*. Philadelphia: University of Pennsylvania Press, 2010.

———. *Inherent Human Rights: Philosophical Roots of the Universal Declaration*. Philadelphia: University of Pennsylvania Press, 1999.

Moyn, S. *The Last Utopia: Human Rights in History*. Cambridge, MA: Harvard University Press, 2012.

Nickel, James. "Human Rights." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Fall 2021. Metaphysics Research Lab, Stanford University, 2021. plato.stanford.edu/archives/fall2021/entries/rights-human.

———. *Making Sense of Human Rights: Philosophical Reflections on the Universal Declaration of Human Rights*. Berkeley: University of California Press, 1987.

United Nations. "International Human Rights Law." *OHCHR*. Accessed December 4, 2022. www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law.