
The Universal Declaration of Human Rights

Philosophy of Law, *Spring 2015*

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The Universal Declaration of Human Rights was signed by several states in 1948 in Paris.

Saudi Arabia abstained in the final vote, possibly because of ART 18 (right to change religion).

South Africa also abstained, possibly because the Declaration prohibited Apartheid.

The Soviet Union abstained, possibly because the notion of individual inalienable rights clashes with the communist ideology.

The Universal Declaration of HUMAN RIGHTS

Adopted by the General Assembly of the United Nations in 1948, the Universal Declaration states basic rights and fundamental freedoms to which all human beings are entitled.



The infographic is a vertical strip with a black background and orange borders. It features a central illustration of a young man and woman standing together. The man is wearing a blue t-shirt and grey pants, and the woman is wearing a yellow dress and a white headscarf. They are surrounded by various icons and text boxes that list human rights. The text is in white and orange, with some parts in a stylized font. The infographic is divided into sections by horizontal lines. At the top, it says 'WE ARE ALL BORN FREE AND EQUAL' and 'EVERYONE IS ENTITLED TO THESE RIGHTS'. Below this, it lists various rights, including the right to life, freedom, and safety, the right to a fair trial, the right to privacy, the right to travel, the right to seek asylum, the right to a nationality, the right to marriage, the right to education, and the right to work. At the bottom, it says 'NO ONE CAN TAKE AWAY ANY OF YOUR RIGHTS' and 'You have the responsibility to respect the rights of others'. The infographic is signed 'zen pencils' at the bottom right.

WE ARE ALL BORN FREE AND EQUAL
EVERYONE IS ENTITLED TO THESE RIGHTS
NO MATTER YOUR RACE, RELIGION OR NATIONALITY

EVERYONE HAS THE RIGHT TO LIFE, FREEDOM AND SAFETY

No one has the right to hold you in slavery.

You have the right to own property.

No one has the right to torture you.

Everyone has the right to belong to a religion.

You have the right to recognition everywhere as a person before the law.

Freedom of Expression: You have the right to free thought and to voice your opinions to others.

We are all equal before the law and are entitled to equal protection of the law.

Everyone has the right to gather as a peaceful assembly.

You have the right to seek legal help if your rights are violated.

You have the right to help choose and to take part in governing your country, directly or through chosen representatives.

No one has the right to wrongly imprison you or force you to leave your country.

You have the right to a fair and public trial.

Everyone is innocent until **PROVEN** guilty.

You have the right to privacy. No one can interfere with your reputation, family, home or correspondence.

You have the right to social security and are entitled to economic, social and cultural help from your government.

Workers' rights: Every adult has the right to a job, a fair wage and to join a trade union.

You can travel wherever you want.

You have the right to leisure and rest from work.

You have the right to seek asylum in another country if you are being persecuted in your own country.

Everyone has the right to an adequate standard of living for themselves and their family.

Everyone has the right to a nationality.

Everyone has the right to education.

All adults have the right to marriage and to raise a family.

Your intellectual property as an artist or scientist should be protected.

We are all entitled to social order so we can enjoy these rights.

You have the responsibility to respect the rights of others
NO ONE CAN TAKE AWAY ANY OF YOUR RIGHTS

zen pencils

Free and Equal

ART 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Against Torture and Inhuman Punishment

ART 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Thought, Religion, Conscience

ART 18: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Freedom of Expression

ART 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Social Security

ART 22: Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Leisure

ART 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Standards of Living

ART 25: (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Education

ART 26: (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

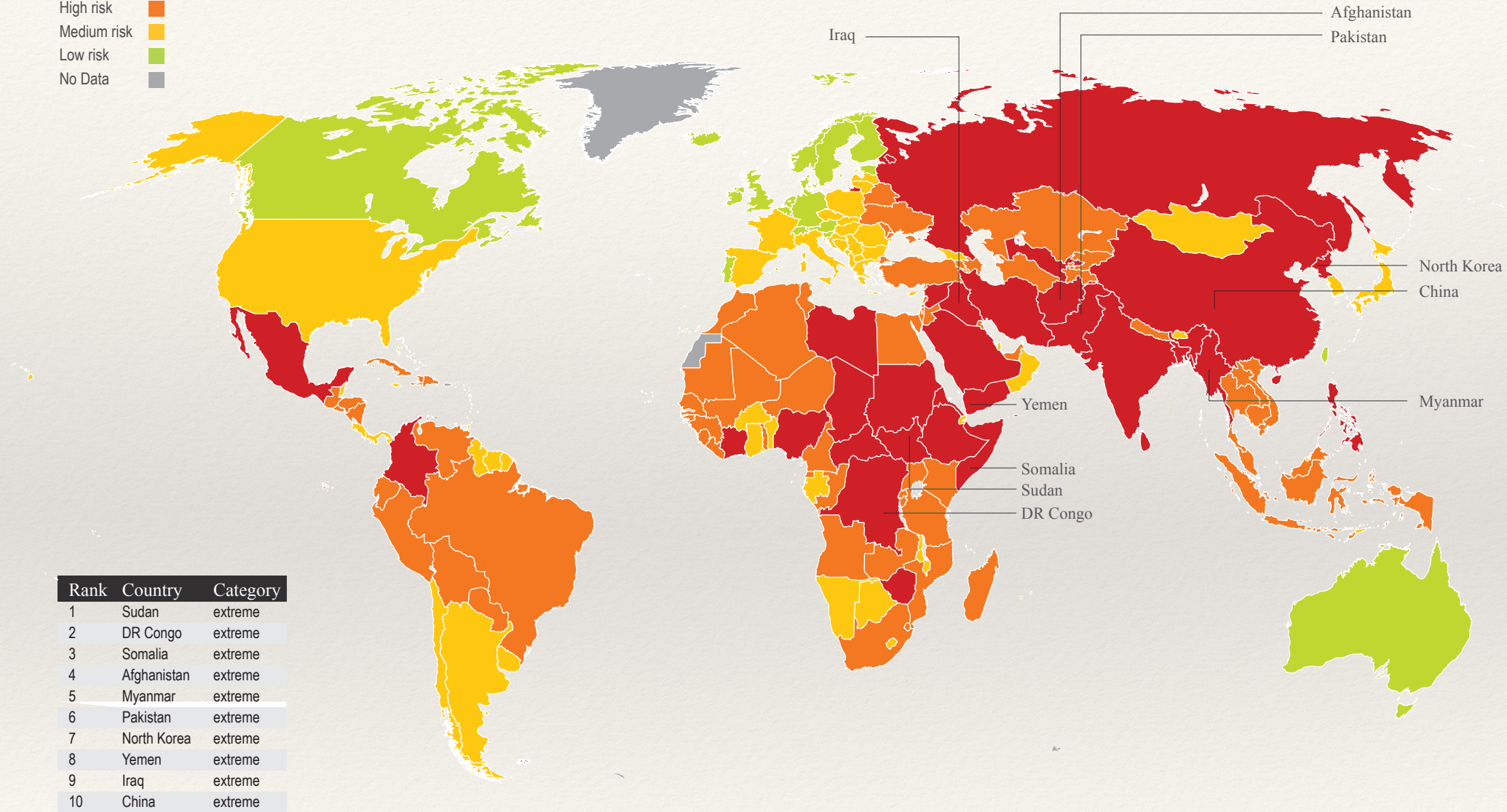
(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Human Rights Risk Index 2012



- Extreme risk
- High risk
- Medium risk
- Low risk
- No Data



Three Reasons why the UDHR is Worth Discussing in a Philosophy Class

1. The problem of Legal Interpretation

- ❖ The UDHR contains extremely broad and general terms — freedom, equality, dignity, social security, free development, etc — and leaves unspecified what they mean.
- ❖ This raises the problem of **legal interpretation**, especially the interpretation of all-encompassing legal documents such as UDHR or the US constitution.
- ❖ We will touch upon the question of legal interpretation next week while reading two opinions written by US Courts, one on environmental law and one on same sex marriage.

2. What Makes a Written Text a Piece of Law?

- ❖ Is the UDHR law? Is there any state authority enforcing it? How does a text acquire the status of law in the first place?

Positivism: A law is a rule or regulation that is legally binding in so far as it is issued and enforced by the authority of the sovereign.

Natural Law theory: A law is a rule or regulation expressing “natural law” or “morality” which exist prior to the legislative power of the sovereign.

- ❖ We will touch upon these questions in the rest of the course — see, especially, Sophocles’ *Antigone* and the debate between Hart (positivist) and Fuller (natural law theorist).

3. Are There Universal Laws?

- ❖ The UDHR claims to be universal, but it is not clear whether it is in fact universal.
- ❖ Some states have objected to its universal character.

Iran's position: “The Universal Declaration of Human Rights, which represented a secular understanding of the Judeo-Christian tradition, could not be implemented by Muslims and did not accord with the system of values recognized by the Islamic Republic of Iran; [Iran] would therefore not hesitate to violate its provisions, since it had to choose between violating the divine law of the country and violating secular conventions.”

(Statement by Iran's representative, Mr. Rajaie-Khorassani, 7 December 1984, at the UN General Assembly's Third Committee. Quoted from David Littman, *Universal Human Rights and "Human Rights in Islam"*, *Midstream* 1999)

Hassan on the Universality of UDHR

Though the Universal declaration of Human Rights is called "Universal", it was articulated along the lines of historical trends of the Western world during the last three centuries, and a certain philosophical anthropology of individualistic humanism which helped justify them. The basic assumptions underlying the Declaration were a) of a universal human nature common to all the peoples, b) of the dignity of the individual, and c) of a democratic social order.

... it is frequently assumed, as well as stated, by many advocates of human rights, in both Western and non-Western (including many Muslim) countries, that human rights can exist only within a secular context and not within the framework of religion.



...continued

What needs to be pointed out to those who uphold the Universal Declaration of Human Rights to be the highest, or sole, model, of a charter of equality and liberty for all human beings, is that given the Western origin and orientation of this Declaration, the "universality" of the assumptions on which it is based is - at the very least - problematic and subject to questioning. Furthermore, the alleged incompatibility between the concept of human rights and religion in general, or particular religions such as Islam, needs to be examined in an unbiased way.



Rifatt Hassan, "Are Human Rights Compatible with Islam? The Issue of the Rights of Women in Muslim Communities", available on-line at www.religiousconsultation.org/hassan2.htm