

THE ESSEX HALL LECTURE FOR 1968

HUMAN RIGHTS
IN RETROSPECT
AND REALITY

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This is the Essex Hall Lecture for 1968, and was delivered in London on 10 April 1968. Essex Hall is the headquarters of the General Assembly of Unitarian and Free Christian Churches, and stands on the site of the building in which the first avowedly Unitarian congregation met in 1774. The lecture was founded in 1892, and many distinguished men in varied fields have contributed to the series. The delivery of the lecture is one of the leading events during the annual meetings of the Assembly.

A list of the previous lectures still in print will be found in the catalogue of the Lindsey Press.

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THE TWENTIETH CENTURY has been dubbed 'The Century of the Refugee'. In the lifetime of many, two great wars caused huge displacements of population. Millions lost homes and belongings and took refuge in alien lands, only to return, if at all, after years of exile. Some were fortunate and able to take up a new life in a strange land. Others never saw their native place again. The elderly, the handicapped, nobody wanted. They formed the 'hard core' of an intractable problem. Not a few were conveniently forgotten, except by the Sue Ryders of the world and the youthful sponsors of 'World Refugee Year'. And the end is not yet: in 1967 the 'new' refugees in the middle east numbered over 450,000. The displaced person has thus become the living symbol of an age-old evil, 'man's inhumanity to man'.

Of course there have been other signs and tokens of inhumanity. The world gazed with horror on the spectacle of the Nazi concentration camps and the twin holocausts of Hiroshima and Nagasaki. But fear has produced still further threats to peace, including new methods of waging war. The napalm bomb, the defoliant spray, bacteriological infection, nerve gases, rocketry, and other nuclear devices have all added to the sum of human misery and polluted the international climate with distrust and anxiety.

Total war is a comparatively new and degrading activity of sovereign states, in which whole populations suffer. Anyone who has read David Irving's account of the bombing of Dresden, in which fire-storms were actually used to wipe out a defenceless civil population, or who has realized what went on in the 'extermination camps' of Poland and East Germany, will understand to what depths of cruelty man can descend.

But the story of political inhumanity is not a new one. Not long ago I visited the casemate-dungeons of the Spielberg at Brno in Moravia, a notori-

ous prison of the Hapsburgs. We were shown through the underground cells, with their assorted and diabolical equipment for torture, and told of the famous persons who had been incarcerated there: a teen-age Italian princess who had befriended her country's freedom-fighters in the struggle for independence; the Frenchman, Drouet, who apprehended Louis XV and Marie Antoinette at Varennes, and many others, as well as the more recent victims of the Nazis, who, we were informed, had reintroduced some of the more unspeakable torments. One of the torture chambers, in particular, outraged our feelings. It was that in which the prisoner was chained to one position and suffered the constant drip of cold water upon his forehead. This was calculated to send any man mad within forty-eight hours. When the Emperor Joseph II came to Brno in 1781 he tried the water-torture on himself, but after a short time gave the order for his release and for the abolition of the punishment for ever.

This enlightened monarch belonged to the growing company of those with some imagination and humane feeling who, in the eighteenth century, began to listen to 'the still sad music of humanity', and to wish that men would observe the Golden Rule. I shall refer later to the importance of the eighteenth century in the story of the struggle for human rights. But first I would like to remind you of the occasion on which we are meeting, and the reason why it is so very necessary to focus attention on the assertion and protection of the rights of man. I shall then turn briefly to discuss the development of the idea of 'rights', and conclude with the suggestion that the defence and promotion of human rights is absolutely basic to the creation of international peace and of those conditions in which alone personality can develop freely to fulfil itself.

In the course of our discussion it may also transpire that concern for human rights is, in fact, not only a sign of political maturity, but also of religious conviction. It may well prove, and I believe it will, that the ultimate sanction in favour of human rights is a religious one. The Master's concern for human life was revealed in that key passage from Isaiah that he read in the synagogue at Nazareth: 'He hath sent me to heal the broken-hearted, to proclaim release to the captives, and recovering of sight to the blind, to set at liberty those that are oppressed'. The Christian can only be true to the spirit of that utterance if he regards it as his inescapable duty to protect and preserve human personality from the forces of cynicism, class and racial prejudice, and hateful coercion, which are constantly blocking the path of human progress.

But to turn to the occasion. This year, the twentieth anniversary of the adoption by the United Nations General Assembly of the Universal Declara-

tion of Human Rights, has been designated 'International Human Rights Year'. The intention is to make men and women everywhere 'human rights-conscious', and to impress not only upon peoples, but on governments, the basic principles that should regulate human relationships. At the same time it is hoped to speed up the ratification by Great Britain of certain conventions respecting racial discrimination and the political rights of women.

The urgent need today to draw the attention of people to this subject is borne in upon us as we contemplate the international scene. For it is unfortunately true that in spite of all our material progress and technical achievements, aimed at raising standards of life and making the human lot a happier one, in many countries men are still living in misery and servitude. Not only is there hunger and poverty, disease and ignorance, squalor and illiteracy on a vast scale, but millions suffer also from man-made evils: from the lack of personal freedom to move where they wish or to gain access to ungarbled information; from severe censorship and unjust imprisonment; from all kinds of discrimination in employment and housing, for reasons of race or language; from segregation and forced labour - in short, from deprivation of rights which, in democratic circles at least, are regarded as a *sine qua non* of ordinary civilized life.

So in Russia today, writers, students and artists, whenever they try to express an opinion that diverges at all from the 'party line', whenever they call for more democracy, or describe the imperfections of society as it is, are silenced or banished. They are quite unable to discuss art, literature, or history in a detached or scientific way. The orthodox communists seem unable to distinguish between literature and propaganda. They take the line that literature is a form of propaganda, either pro-Soviet or anti-Soviet. Thus Daniel and Sinyavsky fell foul of the authorities and have been condemned to long terms of imprisonment, whilst the attacks on Boris Pasternak on the publication of *Dr Zhivago*, and the subsequent harsh imprisonment of his friend, Olga Ivinskaya, and her daughter (from January 1961 to November 1964) will be remembered as flagrant instances of the denial of human rights. Interference with scholars and scientists in communist countries is common enough, and one could cite instances in which visas for travel and study abroad have been categorically refused or revoked for so-called 'reasons of state'. The right to work is limited by the state's determination to make men work where the government considers it advantageous. This claim to own its citizens is sometimes extended to the point of refusing to allow husband to join wife or *vice versa*, a modern form of the taking of hostages, which is one of the more disgusting features of contemporary life. Incidentally,

it is the contention of all human rights legislation that no organization has an absolute claim to a person's capacities and endowments, or can be permitted to stipulate where he should live or work.

Religious liberty is always a test of the extent of human rights in any community. By this test both communist and non-communist countries fall well below what is both desirable and necessary for human well-being and progress. For example, in Hungary and Czechoslovakia today liberty of worship is permitted, but not the right to provide religious education for children, or to organize church youth clubs and other activities of a social character. In Hungary severe treatment has been meted out to Roman Catholic priests who have conducted classes for young people, and many of them are still in prison. In Czechoslovakia all church functions beyond the regular services of worship have to be vetted by the Ministry of Culture, and the authority's permission must be sought and granted before any departure from the customary services may take place.

But the state is not always the chief offender against human rights. In West Germany last year a district court in the Palatinate annulled the decision of a local court under which a Roman Catholic mother was accorded the right to have children educated in her faith against the wish of a non-Catholic father. The court upheld the equality of the educational rights of both parents, and made it clear that the state had no right to insist on the education of a child in any particular religious tradition. This case will be important as a precedent for rulings on mixed marriages in West Germany, since the decision upholds the fundamental right of religious liberty against the demand of the Roman Catholic Church that the children of mixed marriages should be brought up in the Roman Catholic faith. The precedent could conceivably stretch even further afield.

In Spain and Portugal, on the other hand, political freedom, as we know it, is practically non-existent, and religious freedom is curtailed. Opponents of the government in Spain are with impunity labelled 'communist' and put in prison on the slenderest evidence. The case of Octavio Jorda, a member of the reformist, but illegal, Socialist Party of Spain, was reported in the *New Statesman* of 30 June last. A young Spanish worker, crossing back from France to Spain on 1 February of last year, he was stopped by the police and found to be carrying some socialist literature and a few copies of Hugh Thomas' *The Spanish Civil War*. This was treated as 'illegal propaganda', and he was accused of spreading communism. After a perfunctory hearing of forty minutes, the court's judgement was indefinitely deferred, but it was said that Jorda was likely to get not less than six months, and 'could well get

five years, plus a fine equal to a year's wages'. Cases like this are far too common in Spain. Socialists and trade unionists, demanding rights recognized in the Universal Declaration, and students agitating for free student unions are alike detained without trial, and some have even been deported without trial to remote corners of the country far from their homes, a harsh measure for unconvicted prisoners. The fact that several Jehovah's Witnesses have been in jail in Spain since 1959 on account of their refusal to undertake military service is a serious blot on a so-called Christian country. Equality between Catholic and non-Catholic in Spain has always been somewhat hypothetical, and in face of student and left-wing strikes and agitation, the Spanish Bill of Rights, such as it is, is liable to suspension by the government and sentences of up to six years or more may be imposed.

Conditions in Portugal are no better. The dictatorship there has stifled all overt opposition and multiplied the list of 'subversive activities' or 'crimes against the state'. Dr Julietta Gandara was Amnesty's Prisoner of the Year in 1964. This brave woman doctor went to Angola on a mission of healing, was appalled by what she saw, and spoke out in favour of democratic rule, in sympathy with the Angola movement for liberation. Arrested in 1959, she was sentenced to two years' imprisonment, and on appeal the sentence was raised to four years, to be followed by deprivation of civil rights and 'security measures'. The latter can keep people in prison without trial for three years, and are often renewed six-monthly after completion of sentence. Dr Gandara ended her four years in Caxias Fortress, near Lisbon, in very poor physical condition. Indeed the *Guardian* reported that she had suffered 'acute nervous collapse'.

Finally, notorious denial of human rights characterizes South Africa, Rhodesia, and Greece, to mention only three more countries who claim to be civilized. In South Africa the *apartheid* laws have resulted in the creation of a system based upon the violation of the principle of equality and non-discrimination, a system which the International Commission of Jurists has described as eroding almost all the rights and freedoms set forth in the Universal Declaration. Attention has been focused on cases like that of the late Chief Lutuli, and of Helen Joseph who, last autumn, completed a period of five years' house arrest to which she had been condemned on account of her welfare work on behalf of banished Africans and her well-known sympathies with African aspirations. Last October, Helen Joseph had served on her a second five-year house arrest order. She is sixty-two years old, lives alone, and can have no visitors except her doctor. If she did receive a visitor, she would be liable to three years' imprisonment. 'Five years of civil death',

Sir Villiers de Graaff, the opposition leader, has called it. And the *Johannesburg Star* declared in an editorial: 'Punishment without end is now joining punishment without trial as a feature of life in Nationalist South Africa'. Since 1962, the South African government has banned more than 600 people. Mrs Joseph was the first to have her order renewed – a flagrant violation of human rights.

Following the pattern of South Africa, the Rhodesian government has deprived coloured people of their homes and rights, sanctioned the bulldozing of an African school at Highlands, Salisbury, because the area was designated 'white', and set up detention camps for opponents of their racialist regime. For some time I corresponded with a detainee at Gonukadzwinga, whose family was saved from destitution only through the care of a Methodist mission and funds subscribed by members of Amnesty in Northern Ireland. Last summer, the Methodist clergyman responsible for most of this relief work on behalf of detainees and their families was deported by the Rhodesian government, one of several ministers recently deported and banned.

Since the military junta took over early in 1967, Greece has also been the scene of gross violations of human rights. Thousand of Greek citizens have been sent to prison camps and held without charge or trial, and numerous instances of persecution and harassment have occurred. Mrs Helen Vlachos, the courageous editor-proprietress of two right-wing newspapers in Athens, like Helen Joseph in South Africa, was, until she escaped to this country, subjected to house arrest, because she consistently refused to submit her papers to censorship and official direction.

Considering that the last war was fought 'for the defence of freedom', or so we were often told, and that the western allies were victorious, it is perhaps an ironic commentary on the vanity of war-aim proclamations that, when one looks around the world today, one is forcibly reminded of Jean Jacques Rousseau's words: 'Man was born free, and everywhere he is in chains'.

The history and development of the idea of human rights is a vast and intricate subject. Professor J B Bury has remarked that 'It would require a lifetime to calculate and many books to describe all the directions and interactions of the intellectual and social forces which have hindered and helped the emancipation of reason'. This could also be said in general of the emancipation of man. As soon as human beings began to live in association with one another, the need for some kind of equal treatment for all became apparent. Great lawgivers like Hammurabi and Solon sought to establish rules to curb oppression and permit men to lead their lives without undue fear or favour. With the rise of nations, the need to acknowledge the dignity and worth of the individual

was generally recognized.

In China, three centuries before Christ, Mencius declared that 'The people are the most important element in the nation'. In the flowering period of Greece, equality before the law, equal respect, and freedom of speech were the rights of citizens, although these were not accorded to slaves. The Roman republic secured equal rights for its citizens, and the philosophers Cicero and Seneca, going beyond legal tradition, asserted that 'All men are free by nature'. All the great religions of the world emphasize the respect due to the human person. Hinduism, for example, teaches that there are 'kingly obligations' to the common man. Buddhism affirms an absolute compassion for those less fortunate than oneself, whilst in the Islamic tradition each person can claim the right to brotherhood, justice and mercy.

Jesus taught that every individual man, woman and child is precious and unique in the sight of God, and this teaching has run like a thread of gold through western civilization from New Testament times down to the present. If you can live each day treating people as human beings and ends in themselves, never as animals or means, never as ciphers, cogs or hands or statistical units or depersonalized automata, then you are looking on them as Jesus did; you are upholding an ideal which, as society grows in complexity and diversity, must eventually find expression in some form of political and social philosophy, and then as a set of customary rules or legal enactments, constitutional safeguards, or declarations of rights.

As the first tentative steps towards democracy were taken in the west, certain reforms touching individual freedom and equality became imperative. Everyone knows, for example, that in England in 1215 the barons compelled King John to sign the Magna Carta, and that one of its most important clauses was that which secured personal freedom from unjust interference by the Crown. It put an end to the practice of imprisoning men for an indefinite period while they awaited trial. It enacted that no freeman should be kept in prison, exiled, or put to death without a fair trial by his peers. Nor were unjust fines to be imposed.

Much later, the Habeas Corpus Act of 1679 underlined and defined more precisely this 'human right'. It required that any person in custody should be brought for trial by jury without delay. Ten years later the Bill of Rights gave Englishmen the right to petition the Crown, made it illegal to suspend laws, and laid it down that members of parliament should be freely elected.

These and similar measures were the products of a political philosophy that derived its strength from two sources: (a) from a growing body of legal enactments and decisions protecting the individual from oppression by

government, and (b) from a religious idealism based on Christian principles. I am not competent, nor would I have time if I were, to trace the history of the former, but I do want to direct your attention to the latter, especially in view of our own particular concern for civil and religious liberty. For Unitarians and radical dissenters generally have not fought without conviction, or, indeed, entirely without success, for political and social reform, in fields ranging from slavery to local government, from factory legislation to education in all its forms, from Catholic emancipation to women's rights.

One important result of the Reformation, despite its conservative complexion, seen from a liberal point of view, was the recognition of the individual *vis-a-vis* the church and the nation. Luther proclaimed the priesthood of all believers and the right of private judgment. Yet a flaw in the protestant argument remained. It was inconsistent on the part of the early protestants to accept an external authority – the Bible, deny the authority of Rome, and assert the right of private judgment and the principle of religious liberty only, or chiefly, for themselves. Nevertheless, there followed more thoroughgoing reformists, like the Elizabethan Separatists and the Independents and Commonwealth sectaries of the 17th century, who took the argument further and placed the individual above both church and state. They repudiated the control of the state and the hierarchy in the interests of religion. And they went on to assert that the state is secondary to man and instrumental to his welfare in other spheres, namely those of politics and social regulations as well. These 'Puritans of the Left', as they have been called, with their covenants and scriptural basis, drew out and expressed the fundamental Christian axiom that the individual should be treated with respect, that man was a responsible being and possessed rights and owed duties. As Dr G P Gooch has observed, 'The congregationalist notions that prevailed [in the 17th century] not only familiarised the mind with the operation of democratic principles, but taught the individual to consider himself in a special sense the instrument of some great purpose of God.'

Troeltsch, in his *Social Teaching of the Christian Churches*, has also made the point that the Commonwealth period, 'by the momentum of its religious impulse opened the way for a new type of civilization based on the freedom of the person and of conscience as rightly conferred absolutely by God and nature'.

It is important therefore to realize that much English and American democratic thought and practice took its rise in non-political and voluntary organizations like the 'gathered' churches in England, and the towns' meetings in New England. Later, to the democratic witness of the older nonconformity

Methodism, with its lay preachers and its class meetings, brought strong reinforcement. John Wesley's preaching to miners and factory workers, hitherto politically unrepresented, was also a factor in the coming new valuation of man.

But the emphasis on individual rights which emerged most clearly in the 18th century owed not less to a stream of political philosophy that goes back at least to Commonwealth times and was plainly evident in the Army Debates at Putney. There a most important question was raised. Should all men have a say in the affairs of state, or only those who possessed property? The underlying issue was whether a pure democracy is possible. Has a man civil rights in virtue of his manhood, even if he does not possess real property, is penniless or unemployed?

General Ireton, representing the Puritan Centre, urged the necessity of a property-qualification for electors to parliament, for property (he considered) gave to men 'a permanent interest in the kingdom', or, as we should say, a stake in the country. To give everyone electoral rights might lead to anarchy. But the Puritans of the Left based their demand for manhood suffrage on an appeal to natural rights. 'I judge every man is naturally free', declared Petty; and Rainborough's memorable words are often quoted: 'The poorest he that is in England hath a life to live as the greatest he'. The whole object of their conflict with the Crown appeared to the more radical Puritans to be pointless if parliament were simply to usurp the 'king's rights'. So Richard Overton, in *An Appeal from the Commons to the Free People* (1647), could argue that law, precedents, and forms of government were 'grounded upon right reason [which] is derivated and conveyed from the Creator to the creature . . . and God is not a God of irrationality and madness, or tyranny'. From this it followed that 'the safety of the people is the reason and end of all governments', and that the purpose upon which Overton and his friends were united was the recovery of their natural human rights and freedoms. Government depended upon the people, and worldly possessions or existing distinctions between men could not affect a man's rights as an individual to elect to parliament or to exercise his freedom as a citizen. Puritan individualism and equalitarianism are thus seen evolving gradually from theological premises, and ideas are transferred from the purely religious sphere to the secular and political.

Lilburne and the Levellers, who were perhaps the most articulate of left-wing Puritans, might quote such precedents as the Book of Statutes, Magna Carta, and other documents setting out the Englishman's historic rights, but found their main warrant for the notion of natural rights in reason considered as the light of nature. 'Right reason' was something common to all men. It was basic

to the belief in free discussion and government by consent, which increasingly became the stamp of democracy in these islands and beyond. No doubt the individualism of the Levellers and other left-wing Commonwealth groups drew part of its strength from the protestant doctrines of election and the priesthood of every believer. But at the same time they began to evolve a political philosophy that was concerned with the nature of the state and the limits which ought to be set to the activities of governments. Thus the 'Agreements of the People' (3 November 1647, 10 December 1648, 20 January and 1 May 1649) summarized the 'native rights' of the people, and the feeling grew, and was forcibly expressed, that the less government there was to hamper human freedom, the better. In short, the function of the state was to preserve peace and order and to guarantee the freedom of the individual – a *laissez faire* view that was to have immense influence in modern times.

This idea of government as existing for quite limited purposes found high favour with the constitution-makers of the 18th century, but its chief exponent was the 17th century philosopher, John Locke. In his second *Treatise on Government* (1690) Locke explains the nature of civil society. It begins, he says, with a primitive condition, a 'state of nature', in which men were equal in rights and status. But in order to achieve settled law and accepted procedures for community life, men divested themselves of their natural liberty in exchange for peace, comfort and respect for property.

The notion of a compact or contract as basic to civil government, though not universally accepted at the time Locke propounded it, and now regarded as a fiction, has had tremendous consequences for the lives of millions in Europe and America. It exercised a powerful influence not only upon English thinkers and politicians, but also upon French philosophers like Montesquieu and Rousseau, and upon the founding fathers of American independence. In fact, in what may be called 'modern times' Locke is really the first great advocate of human rights.

True, John Milton in *Areopagitica* (1644) had pleaded for 'the liberty to know, to utter and to argue freely according to conscience', and in his *Defensio Secunda* (1654) had warned men against too much government and 'a multiplicity of laws', and urged them to 'learn obedience to right reason and the rule of yourselves'. But the more acute, philosophical mind of Locke gave real substance to the argument from natural rights. Locke asserted that man as man had an inherent right to liberty and property prior to his acceptance of any political institutions whatever. He thus opened the way at once to a declaration of human rights, to a formal statement of the inalienable rights of the individual citizen, of which no government might deprive him, nor any

law expunge. In due course, as everyone knows, this declaration was forthcoming. But first it was necessary to frame a conception of man and nature adequate to the times and consonant with the discoveries of science. This Locke proceeded to do. He turned his back upon the long-accepted medieval notion of man derived from Aristotle and the Fathers of the Church, and advanced a theory of the nature of the individual which became of paramount importance for political philosophy. He conceived of man as an entity endowed with consciousness, as a being capable of recognizing qualities, 'sensed data', mental substances which account for the 'appearances' of colour, sounds, odours, and sensed space and time. Man was not, as Hobbes taught, a mere collection of atoms like a table or chair, no mere phenomenon such as was observable in the realm of Newtonian physics. Man was the observer himself, a different kind of entity from the physical, a mental substance, an individual person, unrelated to other individuals except through an act of will which brings him into relationship with others and is the element of society, the foundation of a commonwealth.

Locke thus provided a philosophical groundwork on which a theory of democratic government could be based. And, of course, the principle of toleration for men of differing political outlook and religious conviction was a natural inference from his view of man. For, as he wrote in his essay *Of Civil Government*: 'Men being by nature all free, equal, and independent, no one can be put out of this estate and subjected to the political power of another without his consent'. This teaching underlies not only the 'Glorious Revolution' of 1688/9 and the Toleration Act, but also the American Declaration of Independence (1776) and the constitution of the United States (1787).

Yet whilst the writings of Locke furnished the Americans with an arsenal of arguments against the arbitrary rule of king and parliament, and patriots are said to have quoted him with as much reverence as Russian communists Marx, or Chinese the works of Chairman Mao, Locke's insistence that government's chief end is the defence of property has proved a serious stumbling-block in the way of the further development of democracy, social justice and fuller recognition of human rights. The Lockean democratic society, with its *laissez faire* individualism, mainly represented still in the comity of nations by the United States, is inadequate, in the long run, to meet and suit the conditions of today. Its final condemnation is to be found in the slums and squalor of western cities and in the exploitation of human and physical resources purely in the interests of individual wealth and private property. Hence we are faced with a curious paradox that, whilst America may be regarded as the contemporary initiator of a fresh and welcome

emphasis upon human rights, nevertheless she is also the country, above all others, where the great debate regarding the priority of human rights or property rights is not yet settled. Fundamentally, this problem is philosophical in origin; it might also, I suppose, be called religious, but in the modern world it has become international and inescapable, assuming proportions which even Woodrow Wilson, who held that 'human rights are above property rights', could not have imagined.

Thus we are witnessing today a clash between Lockean, purely political democracy, and the more recent economic democracy, within which Marxist economic theory is a particular case. Countries like Mexico, Czechoslovakia, Poland and China, not to mention others in the middle-east, are refusing to accept the principle of the primacy of property-rights over social and economic needs. And this calling in question of property-rights will persist and be aggravated by the huge increase in population which the next thirty years seems certain to witness. For it is not to be expected, even if individuals were prepared to, that whole peoples will quietly accept reduced standards of living and even starvation because they do not possess sufficient capital goods with which to bargain in the international market. There will, it seems to me, be a continual and massive insistence upon human rights. The nationalization of oil in Iran and other middle-eastern states, and the taking-over of the Suez Canal by Egypt, in the interests of the Persian and Arab peoples are, one might say, simply preliminary cases of insistence of human rights. They will hardly be the last of such assertions of what must be called 'economic democracy'.

But to return to our survey. The last three decades of the 18th century were an age of constitutional experiment based upon a ferment of ideas which radical thinkers like Richard Price, Joseph Priestley and Tom Paine in England, Thomas Jefferson and Samuel Adams in America, and Montesquieu, Rousseau and Voltaire in France, publicized and made widely current. These men stood upon the shoulders of Locke and saw further. No doubt to contemporaries of conservative temper, like Edmund Burke, their vision must have seemed somewhat clouded and utopian, but they succeeded in establishing a tradition of freedom and equality of which the American Declaration of Independence and the French Declaration of the Rights of Man may be considered the title-deeds. Tom Paine's best-seller, *The Rights of Man* (1791), written in reply to Burke's *Reflections on the French Revolution*, had an enormous sale and found a welcome sometimes in unexpected places. 'When I contemplate the natural dignity of man,' wrote Paine, 'when I feel for the honour and happiness of its character, I become irritated at the attempt

to govern mankind by force and fraud, as if they were all knaves and fools.' One can still feel that irritation today and for the same reasons. The eccentric Frederick Hervey, Earl of Bristol and Bishop of Derry, writing to Arthur Young, the traveller and sociologist, about the time of the book's appearance, could say: 'The rights of humanity, dear Arthur, form a great article of my creed, and that religion, or sect of religion, which can teach otherwise may come from below but surely did not descend from above'. In our own day Mr A J P Taylor has remarked that he daresay there were some academic flaws in *The Rights of Man*, but he had never found them, and if he wanted to put his money on any single work of politics, 'this would be the one'.

It is a commonplace that revolution breeds reaction, and the excesses of the French Revolution for a time swung opinion against reform. Further advance was impeded in the direction foreshadowed by the memorable words beginning, 'We hold these truths to be self-evident . . .', 'Men are born free and equal in rights'. The self-evident nature of human equality and the human claim to possess and exercise liberty somehow failed to impress itself upon pragmatic Englishmen like the Duke of Wellington or aristocratic Irishmen like Lord Castlereagh, or feudal absolutists like Count Metternich.

Yet feeling for impartial justice between man and man and sympathy with human suffering quietly gained ground all the same. The abolition of the slave trade and slavery, prison reform, factory legislation, and the humanizing of the legal system were all, no doubt, the consequences of a new valuation of man which the late 18th century initiated and encouraged in Britain, America and on the continent of Europe.

The Industrial Revolution brought with it many problems, but none more pressing in the early 19th century than the recognition of the place and needs of the wage-earning classes and the population of the growing towns. In England, chartism arose out of a sense of injustice and distress caused by the Poor Law Amendment Act of 1834, by some years of trade recession, and by a feeling of political impotence which only improved social and fairer political conditions could assuage. Private philanthropy and government legislation both paid tribute to the idea expressed by John Ruskin in *Unto this Last*, that the true wealth of a nation is its people. Thus a crisis of conscience began to affect the mind and outlook of not a few Englishmen. Before long, this more serious concern for human welfare and social justice issued in a long catalogue of political and social reforms, beginning with the repeal of the Test and Corporation Act in 1828 and ending with the Workmen's Compensation Act of 1897.

Generally speaking, the Anglo-Saxon mind tends to look askance at a

priori reasoning, and prefers to argue from precedent and custom rather than any statement of principles. So in the matter of human rights the Englishman prefers to see specific laws enacted for the protection of the individual against exploitation and oppression rather than what he may regard as a somewhat doctrinaire declaration of rights. Effective remedies for wrongs he considers of more practical use than the enunciation of rights. Yet whilst this may be true enough in the field of national law and life, the way to effective remedies for injustices and denials of human rights today lies through international action. Experience has shown that certain rights can only be effectively protected by international agreement. This must be preceded by clear statements of the ends desired, which normally take the form of declarations of intent or conventions, to which international consent and adherence are sought. The suppression of the slave trade and the humane treatment of the wounded and of prisoners in time of war illustrate this point.

Hence in our lifetime we are witnessing a new approach to the problem of securing for men political and civil liberty, namely, through an appeal to the world-community. Despite the complexity of the process and the inertia which often impedes government action, progress is being made. For all its overt materialism, and however disappointing the rate of advance may seem, the 20th century can show definite gains in the treatment of human beings, precisely because of international declarations and agreements.

One of the most important functions of the League of Nations, often forgotten, was the protection of political minorities in countries where safeguards were needed to prevent persecution. True, in most cases, the protection afforded turned out to be barely adequate or even negligible, but at least the problem was recognized. Thought was also given to the conditions of working people in different parts of the world and in similar occupations, and the International Labour Organization, set up in 1919, has succeeded in improving the lot of millions by means of inquiries, recommendations and conventions. This is now one of the oldest and most successful of international agencies, and can boast nearly fifty years of solid achievement in the international economic and social field. As a result of international conventions, conditions of employment and living standards have been substantially improved, whilst those victims of warfare, so typical of 20th century barbarism, the refugees, have owed a very great deal to international mediation, notably after World War I by that great friend of mankind, Fritjof Nansen, the first League of Nations commissioner charged with the welfare and rehabilitation of stateless persons.

Earlier philosophers and politicians naturally concentrated their thoughts

and efforts on securing civil and political rights. But for the past half-century the emphasis has shifted somewhat to other categories of rights such as those represented in Britain by the whole corpus of legislation which has created the welfare state and which we now call social security. Amongst such economic and social rights may be reckoned, for example, the right to work, the right to form or join trade unions, the right to be free from hunger – that is, to enjoy an adequate standard of living – the right to education, and so on. The characteristic feature of recent declarations is the recognition that social and economic needs have to be translated into rights if men are to live a full and satisfactory human life. Thus the Atlantic Charter of 1941 proclaimed the hope that peace would be based upon four freedoms: freedom of speech, freedom of worship, freedom from want, and freedom from fear. This was a programme that recognized the sanctity of individual persons and the right of every man, woman and child to live a full and free life.

It found, perhaps, its fuller and more precise expression in the charter of the United Nations, whose preamble also indicates another important shift of emphasis from power to people, from 'The High Contracting Parties' of the League covenant to 'We the Peoples of the United Nations'. An altogether new and welcome note was sounded. The preamble explicitly reaffirmed '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', and declared the founders' intention to 'promote social progress and better standards of life in larger freedom'.

This was something entirely novel in international agreements. At the time of its signature in 1945 its significance can hardly have been realized. But in fact it marked a stage of utmost importance in the history of the evolution of human rights. It defined the aims of international organization for peace as organically connected with the protection of individual rights and liberties, and paved the way for international action on a wide front in the interests of social justice and economic progress. Whatever may be said about the achievements of the United Nations in the realm of peace-making, there can be nothing but praise for the work done in the vast field covered by the activities of the Economic and Social Council. Working through the specialized agencies, the council superintends such matters as technical assistance in fields as wide apart as forestry and fishing, seeds and infestation, electronic engineering, air traffic control, port facilities, the use of new methods of industrial production, health projects and campaigns against infection, malaria eradication, maternity and child welfare. In short, the aim of the United Nations to 'promote better standards of life' has been steadily and

successfully pursued.

At the same time the spiritual view of man as a person to be respected was not lost sight of. Three years after its formation in 1945, the United Nations General Assembly took steps to define the rights of man by proclaiming a Universal Declaration that was adopted at the fourth Assembly at Paris without a single dissentient vote. It was the work of a commission of which the late Mrs Franklin D Roosevelt was chairman. For the first time in history international agreement was reached on a statement setting forth fundamental human rights which is to be regarded as 'a common standard of achievement for all peoples and all nations'. For the first time in history it was declared to be a permanent international obligation to promote respect for human rights and freedoms and to secure their universal regulation and observance. Again, as in the charter, the close connection between human rights and international peace was stressed. Thus the preamble to the Declaration laid it down that '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'.

In thirty articles, the Declaration sets forth the civic, political, economic, and social rights to which all human beings are entitled, without distinction of race, colour, sex, language, political opinion, national or social origin, property, birth or other status. It moves from the general to the particular, from Articles I and II, with their broad affirmation that 'All human beings are born free and equal in dignity and rights', to the more detailed provisions respecting social security, leisure, and standards of living adequate for health and well-being.

This is a far cry from the day of Magna Carta, from the Putney Debates, or even from the 18th century constitution-makers. Yet the same spirit of humanity that was at work in the earlier discussions and decisions is evident, the difference being that the idea of rights is extended to apply to a much wider field than the theorists of an earlier day ever contemplated. Thus rights which the citizens of most democratic states now regard as essential to man's existence and welfare are included in the Declaration; such rights, for example, as the right to work, the right to asylum and to nationality, the right to equal pay for equal work, the right to education, rest, and leisure, to freedom from interference with one's privacy, to freedom of movement. The inclusion of specific or local 'rights' alongside general principles has been criticized as weakening the document. Some of its clauses, say its critics, are of very minor importance: holidays with pay are good, as most of us would agree, but they are not absolutely essential to human dignity or existence, like freedom of

speech or equality before the law. The point may be admitted without undue concern. One must in fact draw a distinction between rights and ideals, between what is impracticable under certain circumstances, and what is positively basic to human welfare and self-respect, what is realisable and what is merely utopian. When we speak of rights we normally imply that they are, or should be, enforceable. But in fact it has to be remembered that many communities are not materially able or psychologically ready to accord many economic, social or cultural rights to their members. For example, it would be asking too much of a newly-independent African state, struggling to establish itself in the world today, to attain in this respect the standards of the more economically advanced countries which have centuries of development behind them. But the Declaration meets this situation in its Article XXII. There it states that people are entitled to the realization of these rights 'through national effort and international co-operation and in accordance with the organization and resources of each state'. These are indeed the precondition of the wider realization of economic, social and cultural rights. Nevertheless, it cannot be too strongly emphasised that all member states of the United Nations are legally and morally under obligation to work for their achievement. They are to take 'joint and separate action' to secure these rights for all members of the human race. So, for the first time in history, a common goal for the future welfare of the whole of mankind has been envisaged and a programme set for the fulfilment of which 'national effort and international co-operation' are regarded as the effective agents. The Declaration is thus a challenge to all concerned to achieve a world civilization in which human rights will be universally observed.

It is probably correct to say that the Universal Declaration is destined in time to become as important in history as Magna Carta, the Bill of Rights, and the American Declaration of Independence. It not only reflects a great tradition of humane thought and aspiration, but comes at a crucial point in human affairs, when it is most needed. It reminds us that we have a duty to the wider community 'in which alone the free and full development of personality is possible'. And it stipulates – a most important provision – that the wider community is in fact the world. 'Human rights must be achieved everywhere, if they are to be secure anywhere', writes Mr Gordon Evans, General Secretary of the UK Committee for Human Rights Year, and adds: 'Today nothing less than human rights for all the world's people is the goal', in fact it is 'the condition of the survival of civilization'. Thus the Universal Declaration is a direction post indicating the road which mankind must take, if it is to put an end to the long series of crimes against humanity which our age, unfortunately,

has witnessed. It is also a constitutional document of first importance that has already begun to exercise considerable influence through the incorporation of several of its clauses in the constitutions of newly-founded states. Already, too, it is performing the role of catalyst in the process of changing public opinion and compelling governments to ratify and adopt conventions such as those on the Political Rights of Women, the Status of Refugees, and the Abolition of Forced Labour. The European Convention for the Protection of Human Rights and Fundamental Freedoms which entered into force in September 1953, and the European Social Charter signed in Turin in October 1961, were important steps taken by the Council of Europe to implement the rights proclaimed in the Universal Declaration within the European framework.

Gradually, and without much blowing of the trumpets of publicity, a body of international law intended to protect and further individual human rights and freedom is being created. Yet many people are quite unaware of the fact. Nor do they know of the existence of international machinery intended to ensure that international obligations are respected. It is the purpose of Human Rights Year to rectify this, in Britain at least, and if possible to persuade our own government to ratify three conventions: that on the elimination of all forms of racial discrimination; the ILO convention concerning discrimination in respect of employment and occupation; and the ILO convention concerning equal remuneration for men and women workers for work of equal value.

What then, we may ask ourselves in conclusion, is the proper task of the churches within the context of Human Rights Year? It is a question not to be put by, especially for those liberal Christian churches which have a record of service in the interests of civil and religious liberty and the emancipation of the human mind and body. Are we to stand feebly aside and let others fight the battle for humanity and freedom which our forefathers waged so valiantly years ago? Surely not! Social attitudes and practices have to be changed, prejudice and ignorance have to be overcome. What is at stake is a world community struggling to be born. And this is our common concern.

If the basic principles of the Christian ethic are enshrined in the two great commandments of love to God and neighbour and the Golden Rule, then the task of the churches is to apply them logically not only to the national but also to the international scene. The United Nations Charter challenges us to universalize the belief in the value of the individual. We are pledged 'to promote social progress and better standards of life in larger freedom' - *for all*. It is our duty to remember that the South American peon, the Chinese coolie, the East European peasant, the West Indian labourer in Moss Side, Manchester, and the Pakistani mill-hand in Bradford, are our neighbours, whom

we must treat as persons. This is the ultimate philosophy behind the Universal Declaration of Human Rights, a philosophy which some would call a religious faith.

It requires the cultivation of a greater sensitiveness of mind and feeling than most of us possess, a compassion not unlike that of an Albert Schweitzer, a Victor Gollancz, or an Edna St Vincent Millay, who could write:

A man was starving in Capri;
He moved his eyes and looked at me.
I felt his gaze, I heard him moan,
And knew his hunger as my own.

Right human relationships require that the children of every country shall be taught the value of *every* human person and made to feel the fact of our one indivisible humanity. World unity and world peace are inextricably connected. To realize this oneself and to help others to understand this truth is the task of religious education.

The churches should be much more concerned than many of them are at present to share in the work of international peace-making and the defence of human rights. The various conventions and covenants now being discussed and concluded embody practical measures for enforcement action. Such was, for instance, the European Convention on Human Rights signed in Rome in November 1950. It is natural that those people and governments which have a common heritage of political traditions and ideals should take steps for the collective enforcement of the rights set forth in the Declaration which men, in every case, are capable of exercising. The preamble to the statute setting up the Council of Europe in 1949 contained a most important passage. It stated that members should 'reaffirm their devotion to the spiritual and moral values which are the common heritage of their peoples and the true source of individual freedom, political liberty and the rule of law'. This recognition that rights and freedoms are born out of a particular attitude to life, that they arise as a product of cherished spiritual and moral values, is a conclusion which those who hold a liberal religious viewpoint can readily appreciate.

At the root of almost every international problem today lies a denial of human rights. As we have seen, no man in his senses can be expected to remain satisfied with physical conditions that undermine health, with political conditions that hamper development towards full and free citizenship, or with spiritual conditions that rob a man of his self-respect. Of course, it is necessary that the physical needs of the world's hungry, diseased, and sorely afflicted peoples should be met by modern food and health programmes, technical assistance, and measures for the raising of their social and economic

standards. But at the same time other important factors must not be neglected. We cannot meet the needs and fulfil the hopes of the less privileged amongst us for recognition as human beings, unless we accord to them full rights to mental and spiritual life, liberty, security, and freedom from oppression – in short, unless we regard them as persons naturally capable of enjoying liberty, exercising responsibility, and creating a society in which the satisfaction of personality-needs is possible, and is regarded as of paramount importance.

No self-respecting person likes charity, however self-effacing may be the giver. But every man, who is a man, expects what he is entitled to, namely, his rights. And when these are written into documents that have a universal currency, when they are widely canvassed, as in this Human Rights Year, we may expect an upsurge of interest which is not merely academic but in the end absolutely irresistible. Ultimately it will not be possible to hold back the tide which, in Africa and Asia or anywhere else, is sweeping over the face of the earth in favour of the common man.

The more flagrant denials of human rights are of course prominent and clearly discernable. It is easy to point them out, especially in other societies than our own, but the practice has its dangers. It may lead to neglect of our own shortcomings in this respect. For even those nations who count themselves most civilized and sophisticated have a long way to go before they can be said to be free from the guilt of denial of human rights. Our own community, for example, still discriminates against women, against immigrants in matters of housing, employment, and education, and we have yet to convince the majority of our people that minority views may, and should, be respected in such fields as language, social custom, and religious conviction. We have to put our own house in order before we can, with justice, urge on others the desirability of their doing the same!

The rights of man matter more than many of the things we think are important for the future welfare of the community. If human rights are spurned in Mozambique, Malaya, or Mashonaland, or in any corner of the globe, it matters to me. If men are persecuted for their political or religious views in Spain, Russia, South Africa, or much nearer home, it is my concern. The truth of those words of John Donne, often quoted, must come home to us more and more: 'No man is an Iland, intire of itselfe; every man is a peece of the Continent, a part of the maine . . . Any man's death diminishes me, because I am involved in Mankinde'.

Only when all can worship, speak and write as they please in freedom and with respect, and live their lives free from fear and oppression will the world be safe for mankind. For governments which disregard the rights of their

own people cannot be trusted to respect the rights of other nations and peoples. In the international field they are prone to seek their objectives by means of force.

Thus the defence and promotion of human rights is also the defence and promotion of peace and security. The struggle for human rights constitutes a fundamental element in the campaign for peace. There can be no true peace so long as men unjustly languish in prison in any country, no peace in the world where human rights are denied, no peace where equality is flouted and minorities, or majorities, are subject to tyranny and unjust coercion. 'In the last analysis,' writes a modern authority on the subject, C W Jenke (*Human Rights and International Labour Standards*, 1960) 'there is no answer to Lincoln; it is no more possible internationally than nationally for a society to endure permanently half slave and half free.'

Fear and prejudice still divide mankind. But in the closely articulated world of our time the human mind must stretch itself to adapt to the very revolutionary material changes that are taking place. Man's spirit needs to grow into line with the vast developments of science and technology. At present most of us are walking about 'in worlds unrealized'. We cannot afford to do this much longer. There is not a great deal of time left to head off disaster. Hence the pressing task of the next decade is to educate our minds and discipline our spirits to grasp the import and opportunities of an interdependent world-society. We have to create a community which understands that the purpose for which peace is really desirable and should be strenuously sought after is that it offers the possibility for human personality to fulfil itself, to attain life that is not merely existence, liberty that gives wings to thought and spirit, and happiness that is real well-being, because linked with the welfare of others. The tragedy of so many people today is that so poignantly phrased by Lord Reith, who confessed in a striking broadcast interview that he had never felt 'fully stretched or extended; he had 'never lived' as he might have done.

The rights of man include his right and, indeed, his need to be physically, culturally and spiritually extended – which is what millions of our fellow-creatures never are; the right, in short, to enjoy 'better standards of life in larger freedom', or in words more familiar to those who treasure the Christian tradition, to 'have life and have it more abundantly'.

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THREE SHILLINGS