The Making of the Universal Declaration of Human Rights – and its Contested but Enduring Legacy

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Virtues such as honesty, compassion, and fair-mindedness are widely admired--so much so--that they may appear to attain the status of universal norms. Yet the very notion of universal norms has often been placed in opposition to the view that any moral virtue is arises from a particular cultural context, and that it therefore cannot be generalized beyond that local context.

Such skepticism about universal norms has increased greatly over the past few decades. For one thing, intellectual trends such as postmodernism and cultural relativism have made claims to universalism seem unfashionable. Further fueling such skepticism has been the fractious nature of the contemporary social and political epoch. Given the prevalence of global conflict, it may seem impossible to imagine a set of moral norms that could garner agreement across the ideological, religious, ethnic, economic, and cultural creeds that divide humanity.

Yet this is exactly what happened seventy years ago, when, in the wake of World War II, all the world's nations voted to endorse the moral ideals embodied in the *Universal Declaration of Human Rights*, passed by the General Assembly of the United Nations in Paris on December 10, 1948. An examination of how this agreement was obtained, and the subsequent legacy of the Declaration, may shed constructive light on the opposition between universalist and local views of moral virtue. Resolving this opposition will remove a formidable barrier to progress in intergroup communication and moral education.

In 1948, as now, the global stage was rife with conflict. Cold War hostilities had become urgent, with the Soviet blockade of West Berlin; Jews and Arabs had taken up arms against one another in Israel; armed resistance to colonialism was springing up on every continent; and in the domestic affairs of nations everywhere, including the United States and Great Britain, religious and cultural divisions were becoming increasingly apparent and antagonistic. Nevertheless, the Universal Declaration of Human Rights was greeted with common moral accord among all these divided groups.

The Declaration began by proclaiming the "dignity and the equal and inalienable rights of all members of the human family." It went on to specify twenty-nine articles defining those rights. Article 1 states that "all are born free and equal in dignity and rights...", and that all people "should act towards one another in a spirit of brotherhood." Other articles proclaim all persons' rights to life, security of person, property, freedom of movement and religion, equality under the law, peaceful assembly, education, choices of employment, marriage, and family. Slavery, torture, and arbitrary arrest were prohibited. Along with these rights came duties to the community and responsibilities to respect and preserve the rights of others. Twenty-six of the twenty-nine articles (including Article 1) drew unanimous agreement. The remaining three were passed overwhelmingly, with eight abstentions and no negative votes. The passage of a "universal declaration" detailing principles that obligate people everywhere must be considered a colossal, and unlikely, achievement in the history of human morality.

[1] A fuller treatment of this case may be found in William Damon and Anne Colby, *The Power of Ideals* (New York: Oxford University Press, 2015).

The driving figure behind this effort was Eleanor Roosevelt, aided by a team of high-level dignitaries from several diverse nations. The story, which has been told in glorious detail by Mary Ann Glendon in *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*[2], is instructive both for its portrayal of moral leadership and its insights about how to resolve the tension between universalism and particularism.

In her leadership of the United Nations committee that drafted the document, Eleanor Roosevelt was able to help forge a common voice from the diverse cultural and ideological perspectives of the nations represented, due largely to the great respect in which she was held. She had earned this respect because of her lifelong commitment to goals that transcended her own personal interests, and also because of the marked humility of her demeanor. She was aided by her own religious faith, expressed in a prayer that she wrote and said nightly.
A window into Roosevelt's character was provided by a reporter who observed her at work during the framing of the Declaration: "In an era conspicuous for the self-interest of both nations and individuals, she has become more and more widely recognized as a person of towering unselfishness...Mrs. Roosevelt never cares if there is nothing in it for herself. She has absolutely no pride of station and no personal ambition." (

This conspicuous role did not come easily. Despite her many years as the First Lady of what was to become the world's most powerful nation, Eleanor Roosevelt did not welcome the limelight. Shy by nature, she abhorred both the glitz and clamor of political life. When thrust into the leadership role of this potentially contentious United Nations commission, she was beset with doubts. For one thing, although famous and revered, she was a woman in an age when few of her sex held leadership roles, and the commission she led was made up entirely of powerful male world leaders. Her education and vocational experience paled in comparison to these male colleagues, another reason for her to feel insecure in the role.

But she was steadfast in upholding the principles that she believed were essential for any document on human rights. Some of these principles – such as the prohibition of slavery - were widely accepted; but others set her at odds with other national representatives. In the economic area, for example, Roosevelt had to resist Soviet calls for full employment mandates, because she realized that this could lead to the assignment of jobs to workers against their wills, which would be an abrogation of their freedom to choose their occupations. Roosevelt also believed that the rights of persons to basic freedoms are linked to duties to act in a way that preserves the basic freedoms of others. Rights must be balanced by responsibilities if a society is to maintain its capacity to preserve rights for all. It's clear from the beginning of the Declaration that the joining of rights and duties is a central principle of the document. Article 1 enjoins all people to act "in a spirit of brotherhood" towards one another; and Article 29 (the final Article) asserts that "Everyone has duties to the community in which alone the free and full development of his personality is possible."

In an insightful commentary, Mary Ann Glendon points out that the multi-cultural group of framers led by Eleanor Roosevelt was determined to put aside lesser differences in favor of the essential moral principles that united them: "What was crucial for them...was the *similarity* among all human beings. Their starting point was the simple fact of the common humanity shared by every man, woman, and

[2] Mary Ann Glendon, A World made New: Eleanor Roosevelt and the Universal Declaration of Human Rights, 1st ed. (New York: Random House, 2001)

child on earth, a fact that, for them, put linguistic, racial, religious, and other differences into their proper perspective."[3] That "proper perspective" was the belief that certain rights and obligations - those that follow from essential moral principles and virtues - are indeed universal.

"*Moral universalism without the uniformity*" is a phrase coined by anthropologist Richard Shweder to indicate how the tension between universalism and the particularism of local beliefs can be resolved in a constructive way.[4] This phrase captures Eleanor Roosevelt's approach. Her belief in universal rights was balanced by her recognition that there is a variety of legitimate ways that nations can uphold such rights. It was this balanced view that enabled diverse nations with distinct cultural perspectives to sign on to the agreement.
For example, in Roosevelt's view, the rights to family could admit to wide variation in kinship or other arrangements; core economic rights could be addressed by political systems as divergent as capitalism and communism; the rights to education could be fulfilled by formal schooling or by informal teaching of any number of skills, crafts, bodies of knowledge, and so on. Within the crucial parameters of codes that ensure human dignity, societies must have leeway to establish norms of behavior that are adapted to their own particular cultural contexts.

This pluralistic view, which made agreement possible among the nations of the world, was consistent with Roosevelt's personal religious faith. In her own words, Roosevelt drew compelling connections between universalism, respect for individual rights, cultural pluralism, and her own understanding of God's plan: "It seems to me that there is the chance that we were given our intelligence and our gifts as part of God's plan...I believe that the Lord looks upon His children with compassion and allows them to approach Him in many ways."[5] The anthropological community, which sets a high priority on respecting the particularities of all cultures, has varied widely in its responses to the Declaration. The American Anthropological Association's official statement on the matter was restrained, staking a middle ground between universal rights and cultural relativism. It affirmed its "commitment to human rights consistent with international principles" and noted its intention to "build upon" the progress made by the Declaration.[6] Yet the emphasis in the statement, not surprisingly, was placed on "respect for concrete differences, both collective and individual, rather than the abstract legal uniformity of Western tradition"; and their document places "people's rights to realize their capacity for culture" above other rights.[7]
Other cultural champions have been more strident in their doubts about the validity of the Declaration. Glendon's account, for example, quotes a University of Buffalo law professor's 1998 statement that excoriated the Declaration's "arrogant" assertions: "Muslims, Hindus, Africans, non-Judeo-Christians, feminists, critical-theorists, and scholars of an inquiring bent of mind have exposed the Declaration's

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[3] Glendon, *A World made New : Eleanor Roosevelt and the Universal Declaration of Human Rights*, 232.

[4] Richard Shweder, "Relativism and Universalism." in *A Companion to Moral Anthropology*, ed. Didier Fassin, Vol. 20 (Chichester, West Sussex, UK :Hoboken, New Jersey: Wiley-Blackwell, 2012), 85-102.

[5] As quoted in: Glendon, *A World made New : Eleanor Roosevelt and the Universal Declaration of Human Rights*

[6] American Anthropological Association, "Declaration on Anthropology and Human Rights ," Appendix 2, http://www.aaanet.org/about/Policies/statements/Declaration-on-Anthropology-and-Human-Rights.cfm (accessed June 4, 2014).

[7] Ibid.

bias and exclusivity."[8] Another cultural scholar derided "the principle that all the nations of the world must recognize a basic set of transcendent moral facts despite the equally manifest fact of cross-cultural and historical diversity."[9] Such views represent extreme versions of cultural relativism that are still very much alive and well in the academy today.

Shweder's useful framing, "moral universalism without the uniformity," strikes a sensible middle ground between culturally-oblivious universalists and extreme relativists. Shweder warns the culturally oblivious "that one should be slow to make moral judgments about the customary practices of little-known others;" and he warns extreme relativists "not to subvert the entire process of moral debate by denying the existence of moral truth."[10]

The point, Shweder writes – and he is on the same page as Eleanor Roosevelt and her UN commission – is "to provide insiders and outsiders, minority groups and majority groups (in other words, everyone), with a common frame of reference for engaging in genuine moral debates and for judging what is right and wrong in their society and in other societies as well."[11] Because the Declaration contained no enforcement provisions (no policing, no sanctions for breaches), skeptics derided the effort as nothing more than a philosophical exercise in idealism that could amount to little more than a sterile collection of pious statements. Without some threat of force, the skeptics believed, the Declaration would be ignored. Such an objection, of course, reflects doubts about the power of moral ideals to sway human behavior: it assumes that either pressures or incentives are required to shape real behavioral choices.

But post-Declaration history belies this assumption. As Glendon writes in her account of the Declaration's world impact, "The Declaration's moral authority has made itself felt... impressive advances in human rights - the fall of apartheid in South Africa and the collapse of Eastern European totalitarian regimes - owe more to the moral beacon of the Declaration than to many covenants and treaties that are now in force."[12] What's more, close to 100 nations have adopted their own human rights provisions modeled on the Declaration. The movement of many nations towards democracy since the Declaration also owes a debt to the document's influence. Before the late 1940's, only 28% of the world's nations claimed to be democratic; by the early years of the 21st century, this figure had reached 62%. The advancement of liberty through the democratization of nations is a goal encouraged by virtually all of the Declaration's provisions.

Roosevelt anticipated another significant impact of the Declaration, educational in nature: "I like to think that the Declaration will forward very largely the education of the people of the world," she wrote.[13] Education, of course, centers on the transmission of ideas across people and generations; it would be an empty exercise if ideas didn't matter. In the case of moral ideals such as those contained in

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[8] Glendon, *A World made New : Eleanor Roosevelt and the Universal Declaration of Human Rights*, 224.

[9] Mark Goodale, *Surrendering to Utopia : An Anthropology of Human Rights* (Stanford, CA: Stanford University Press, 2009), 42.

[10] Shweder, *Relativism and Universalism.*, 88.

[11] Ibid., 88.

[12] Glendon, *A World made New : Eleanor Roosevelt and the Universal Declaration of Human Rights*, 236.

[13] Ibid., p. 236.

the Declaration, history has made clear that such ideas matter very much, both to the societies that uphold them and to the individuals who benefit from them.

In an age when the veracity of even scientific and historical facts has been questioned, it's not hard to see why the idea of universal moral truth makes people uncomfortable. Post-modernists have expressed doubts about the possibility of ever objectively determining truth in any area of human thought; and some cultural theorists have cast doubt on the truth value of any moral belief across cultural contexts. Any reference to moral truth risks sounding absolutistic, closed-minded, and perhaps imperialistic. It can sound like what Jonathan Haidt calls "moral monism," the assertion that there is only one true morality, one and only correct approach to any moral issue.

Haidt is correct that it is too much to claim that there is one true morality for all people, times, and places. But the idea of moral truth *does not imply that there's only one right way to live or only one morally right answer to any moral question or social problem*. Judgments and justifications can and must be made about the truth value of any moral claim, and making such a judgment doesn't imply that there's only one valid answer to the question at hand.

To argue that moral truth is not relative, that it entails some specifiable criteria, does not mean that there is only one justifiable position on contested issues. In this way, moral philosophy has much in common with a *developmental* approach to morality that assesses progress toward greater functionality and adaptation without attempting to define a common end point that could define perfect adaptation for all life paths. A developmental approach assumes that there is no final, decisive end point of development in a variegated world where organisms are creatively evolving to adapt to a continually changing set of conditions. Yet certain modes of behavior are more developed, and more adaptive, than other modes - as when a child learns to express needs by making verbal requests rather than by issuing high-pitched wails. As the child encounters new conditions throughout life, development produces new and more adaptive modes of functioning.
Development means an advance and an improvement, not merely any sort of change. It is often brought about with the passage of time, but this doesn't always happen. In general, people do develop more advanced capacities as they age and deal with life; but of course the reverse can happen, with regression sometimes following injury, disease, or other traumatic events.

This is the same process that Shweder recommends as a way of understanding moral truth from a pluralistic perspective. Shweder calls this perspective (which he contrasts with extreme cultural relativism on the one hand and extreme absolutism on the other) "the view from *many-wheres*." Shweder writes that "the knowable world is incomplete if seen from any one point of view, incoherent if seen from all points of view at once, and empty if seen from nowhere in particular."[14]
Although cultures are irreducibly different, some moral universals, such as impartiality and harm-avoidance, cut across all cultures. Unfortunately these moral universals may conflict with each other, necessitating trade-offs among them. For this reason, cultures and individuals may respond to moral questions very differently despite the existence of universal concerns. In order to come to a resolution of contentious issues across cultures, Shweder recommends efforts to understand moral concerns from

[14] Richard Shweder et al., "The "Big Three" of Morality (Autonomy, Community, and Divinity), and the "Big Three" Explanations of Suffering," in *Morality and Health*, eds. A. Brandt and P. Rozin (New York: Routledge, 1997), 45.

culturally disparate points of view and holding off on coming to conclusions about what's right until after trying to take the others' perspectives as seriously as one's own.[15]
As noted above, Eleanor Roosevelt considered the greatest potential of the Universal Declaration of Human Rights to be the education of the people of the world. In saying this, she understood that education has an enduring power that can reach beyond coercive legislation. In its gradual, undramatic way, education can exert a lasting influence on the conduct of individuals and the on moral atmosphere of societies. Education can elevate the minds of citizens, especially those still forming their moral orientations. People who come to understand and cherish moral ideals are more likely than before to act in accord with them. Nelson Mandela understood this when he famously said that "Education is the most powerful weapon which you can use to change the world."[16]
In taking a stand for a moral conviction, a person need not feel that the conviction is arbitrary. Some moral convictions, such as the Golden Rule, are rational, non-arbitrary, and widely held (there is a version of the Golden Rule in almost every existing religious tradition). Haidt is right in saying that narrow-minded monism is culturally biased. *But monism is not the same as a universalistic perspective based on principles shared by people across cultures.*

Human development and education support growth, not just change. For this reason, they require prescriptive, non-relativist stances. Educational and developmental perspectives assume that ideas matter, that people can in fact make choices based upon their best judgments, and that individuals have the capacity to make moral choices that reflect their deepest values and highest ideals. Progress through human development and education means becoming better able to seek moral truths, and more willing (and thus more likely) to align our choices with those truths. For individuals - even ones with the characters of the leaders profiled in this book - such progress inevitably will be slow, uncertain, and never final.

It is the same with human societies. In any society, moral progress takes place in fits and starts over many centuries, three steps forward and two steps back. Martin Luther King, Jr. made the stirring claim that "the arc of the moral universe is long, but it bends toward justice." As Dr. King's arc bends towards justice, it takes lots of detours along the way. In the long run, however, it describes the progressive expansion of human rights, in a manner similar to that envisioned by the U.N. Declaration that Eleanor Roosevelt organized. Admittedly the world has not uniformly risen to the challenge of the Declaration, and in parts of the world there have been dramatic reversals and violations of the Declaration's ideals. We could conclude that the passage of the Declaration was an apogee of moral progress thus far, and that subsequently the world has fallen away from this ideal. It could be that the falling away may continue for a long stretch of barren time. But the moral ideal is out there to educate and inspire future generations, people yet to be born who will bend the arc back in its right direction.

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[15] Richard Shweder, *Why do Men Barbecue?: Recipes for Cultural Psychology* (Cambridge, MA: Harvard University Press, 2003), 38.

[16] Nelson Mandela, "Lighting Your Way to a Better Future: Presentation for Launch of Mindset Network. University of the Witwatersrand, Johannesburg, South Africa, July 16, 2003," http://db.nelsonmandela.org/speeches/pub_view.asp?pg=item&ItemID=NMS909&txtstr=education%20is%20the%20most%20powerful (accessed June 4, 2014).